

Thursday, June 29, 2017 – 4:45pm

**On-Camera Taped Interview with Ginni Thomas, Daily Caller**



Time: 4:45pm-5:15pm

Location: EPA headquarters, Administrator's Office

Reporter: Ginni Thomas

Outlet: Daily Caller News Foundation

Topics: Back to Basics, Paris Agreement, Overall goals

Contact: [ [HYPERLINK "mailto:vthomas@libertyinc.co"](mailto:vthomas@libertyinc.co) ], **Ex. 6** (cell)

Reporter bio

Ginni Thomas is an attorney and founder of Liberty Consulting. She is a columnist for The Daily Caller and has worked for the Heritage Foundation and is the wife of U.S. Supreme Court Assoc. Justice Clarence Thomas.

Anticipated Questions:

- Why do you believe it was a good decision for President Trump to pullout of the Paris Accord?
- You have often said the Obama Administration did a poor job of protecting our environment. Can you explain exactly what you mean by that?
- What do you hope to achieve as administrator of the EPA?
- We are almost six months in to President Trump's term, how do you think he is doing?
- One fun question, do you like baseball and who is your favorite team?

Past EPA vs. New EPA:

- What exactly is so great about the previous administration when it comes to environmental issues?

- The previous administration was all talk, little action. We are not committed to talking points/bumper stickers – we're committed to results.
- Obama 50 + FIPS, 10x the number of last three presidents combined
- You have Flint, East Chicago, Gold King Mine...
- In regard to air attainment: Under Obama 24 states had areas that did not meet air quality standards – instead of taking them to the goal line, he moved the goal post – now have 31 states in nonattainment
- More Superfund sites when Obama left office than when he began: 1300+

### **Back to Basics:**

- We are committed to getting back to the agency's core mission including air, land and water.
- We've already spearheaded nearly two dozen major regulatory reform actions:
  - WOTUS, CPP, TSCA, ELG
- It is important that people across the country understand that we can be pro-growth, pro-jobs and pro-environment.

### **Paris Agreement:**

- America has been leading on this issue before Paris – we are and were at pre-1994 levels in regard to our CO2 footprint, before Paris was even agreed to.
- From 2000-2014 we had a nearly 20 percent reduction with regard to CO2 footprint.
- United States has nothing to be apologetic about with regard to using innovation, technology, American ingenuity to address issues such as CO2.
- The President realized Paris represented a bad deal for this country and he hit it home recognizing an American First strategy: not just in trade, not just in national security, not just in border control, but also issues like environmental agreements which Paris represents.
- When you look back to when Paris was entered into by nations across the globe, there were environmental groups here criticizing the deal – because it didn't hold China, India, the largest polluters in the world accountable.
- India in the agreement was not going to take any steps in CO2 reduction until they received 2.5 trillion dollars in aid.
- We have nothing to be apologetic about as a country – we are going to continue to lead the world in CO2 reduction because of innovation and technology.
- We need to focus on exporting the things we know across the world to countries like China and India and help them reduce emissions as opposed to setting targets in Paris no one can meet.

- The targets set in Paris - the 26-28% reduction in greenhouse gases and CO2 emissions – under the previous administration, every action President Obama took still fell 40% short of the targets.
- We are the United States – we don't lose our seat at the table. We are already apart of the UNFCCC.
- The President demonstrated a tremendous amount of courage – he truly put America's interests first.
- We are going to remain committed to CO2 reduction – but we are going to do it the right way.
- America's miners and drillers are getting back to work under President Trump with the 7th straight month of job creation, after 25 consecutive months of decline in the previous administration.
- Mining added 7,000 jobs in May. Employment has risen by 47,000 since a low point in October 2016. This refers to miners and drillers, and certain other energy sector jobs that produce coal, oil, natural gas, etc.

**Large Public Power Council CEO  
Meeting**

***Monday, 5/22 12:15pm  
Washington Court Hotel***

**Length:** 20 min. remarks, 10 min.  
discussion

**Audience:** approx. 100 utility CEOs and  
senior staff

**Introduction:** Dan Sullivan; *General  
Manager/CEO Grand River Dam Authority*

*Others attending:*

*\*Cheryl LaFleur, Acting Federal Energy  
Regulatory Commission Chairman*

**Run of Show:**

- 12:15pm – Dan Sullivan introduces  
YOU
- 12:20 – YOU give remarks
- 12:40pm – Q&A
- 12:50pm – Depart

**Media:** Closed press.

**Opening:** In the past month I visited the coal  
mines of PA, utility plant in Missouri, a Superfund  
cleanup site in East Chicago: ***EPA is getting back  
to work for you...we are returning to our core  
mission.***

Whoever said you can't have your cake and eat it  
too, doesn't know what to do with cake: **pro-  
energy, pro-environment, pro-jobs.**

***Bridge: We can have both – look at what we've  
accomplished. No one does it better than the  
U.S...***

**The First 100 Days – *We are nearing the 100  
day mark as Administrator of EPA.***



- From day one I set forth three principles for the way we do business at EPA:
  - Rule of Law, Process, Cooperative Federalism
- Regulatory Rollback
  - Taken more than **two dozen** actions rolling back regulations
  - No more” regulatory pancaking”
- Energy Independence/WOTUS EOs
- CAFE Standards
- Permitting: Pledged to follow the rules (Pebble Mine)
- Listening: talked with 25+ governors; industries, stakeholders

**The Next 100 Days – *What you are seeing is a result of leadership in action.***

- This President is one who gets things done.
- Study: People use 16,000 words a day
  - At EPA: Let’s put a cap on the amount of words you say/meetings and actually get results.
- Superfund sites – putting plan in place to make significant progress on more than 1300 sites that we inherited
- Water infrastructure
- Climate debate: red team vs. blue team
  - Climate exaggerators

**Past EPA vs. New EPA – *not committed to talking points/bumper stickers, but results***

- Obama 51 FIPS, 10x the number of last three presidents combined
- Flint, East Chicago, Gold King Mine
- Air attainment: ***Under Obama 24 states had areas that did not meet air quality standards – instead of taking them to the goal line, he moved the goal post – now have 31 states in nonattainment***

***Bridge:*** Prayerful that when you look back at the Trump EPA, you see an agency that got things done...

**Closing:** I’ve said this from the beginning...there is change in the air. Yogi Berra: “The future ain’t what it used to be.”

**40<sup>th</sup> Annual Resource Bank Meeting**  
***Friday, 5/11 7:30pm***  
***The Broadmoor***

**Length:** 10 min. remarks, 25 min.  
discussion

**Audience:** approx. 500 leaders, influencers,  
policy experts

**Introduction:** Becky Norton Dunlop;  
*Ronald Reagan Distinguished Fellow,*  
*Policy Promotion*

*Also invited:*

*\*Gov. Matt Bevin*

*\*Rep. Jim Jordan*

*\*Rep. Mark Meadows*

*\*Sen. Mike Lee*

**Run of Show:**

- 5:30pm – Doors open
- 6:10pm – Video begins
- 6:42pm – Rep. Jordan gives remarks
- 6:52pm – Rep. Jordan discussion
- 7:08pm – Genevieve Wood  
introduces Becky Norton Dunlop
- **7:10pm – BND introduces YOU**
- **7:14pm – YOU give remarks**
- **7:24pm – John Malcolm moderates  
discussion**
- 7:50pm - Closing

**Media:** Closed press.

**Opening:** In the past month I visited the coal mines of PA last week, utility plant in Missouri, a Superfund cleanup site in East Chicago: ***EPA is getting back to work for you...we are returning to our core mission.***

Whoever said you can't have your cake and eat it too, doesn't know what to do with cake: **pro-energy, pro-environment, pro-jobs.**

***Bridge:** We can have both – look at what we've accomplished. No one does it better than the U.S...*

### **Celebrate Progress**

-Since 1980 – **65%** reduction in six criteria pollutants under NAAQs program

- Thanks to technology: Clean coal, shale

-Paris is a bad deal for America – puts America second.

### **Opportunity Knocks – not committed to talking points/bumper stickers, but results.**

- Previous administration;
  - Air attainment
  - More Superfund sites, 1300+
  - Water infrastructure (Flint)
  - Obama 51 FIPS, 10x the number of last three presidents combined
- Action:
  - Energy Independence EO
  - WOTUS
  - Superfund directive
  - Stop practice of sue and settle

### **EPA Will Answer**

- Restore trust, respect
- **Process matters:** otherwise you get bad outcomes
- **Rule of law matters:** CO2 regulations always stayed, Tailoring struck down
- **Cooperative Federalism matters:** attitude and leadership –view states as partners, not adversaries
  - Met with 25+ governors

***Bridge:** EPA is committed to working with stakeholders, state and local leaders...*

**Closing:** Overall, as I've traveled the country there is a sense of optimism. Baseball...Yogi Berra: "The future ain't what it used to be."

## **THEME: Progress and Opportunity**

*JFK Yale Commencement Speech: "Best of both worlds, Harvard education and Yale degree"*

*Why wouldn't you want both pro-jobs and pro-environment?*

### **CELEBRATE PROGRESS**

- No country has done better than US at growing the economy and protecting the environment
- Since '80 63% reduction in air pollutants
- Since '90 Lead down 99%, Carbon Monoxide down 77%, Sulfur Dioxide down 81%
- During this same period the U.S. economy continued to grow, Americans drove more miles and population and energy use increased

### **OPPORTUNITY**

CERA in WSJ an 'oil and gas revolution'

- Abundant domestic resources:
- 100 billion barrels of oil
- 650 trillion cubic feet of gas
- Technology increases access to energy
- Opening world markets to domestic oil
- Opportunity for millions of jobs and robust economy
- Shout out to Harold Hamm – helping to get export ban lifted
- Shout out to NAM, grassroots army
- New leadership in the WH and at EPA

### **HOW EPA WILL LEAD**

- Purpose of rulemaking...Listening
- Abuse of process leads to litigation, uncertainty, and bad outcomes.
- Rule of law...bad outcomes when it's not followed:
- CO2 regulations always stayed
- CPP stayed
- WOTUS stayed
- Cooperative Federalism...respect, care and trust:
- Attitude and leadership
- Respecting states in the FIP/SIP process
- Appoint regional officials who share view states are partners not advisories
- We're already leading: WOTUS, methane ICR notice, CAFÉ, CPP coming...

### **CLOSE**

- Yogi Berra favorite philosopher
- "The future ain't what it used to be"

**Local Foods, Local Places Summit and Peer Exchange**  
**Remarks for Administrator Pruitt**

- Good morning/afternoon. I'm delighted to be with you! I understand we have more than 70 community leaders here who are out in front helping to grow your local food economy.
- You have invaluable experience and know-how that can help to transform our communities, grow our economies, and build on our assets, to make today and tomorrow better for our communities, our families, and our future.
- We appreciate you all coming to Washington to share your perspectives on how EPA and our federal agency partners can continue to support this great work.
- Under this administration, EPA is committed to protecting the environment while also growing jobs and the economy.
- And so this program, which helps communities diversify their economies through agriculture and local foods, is a smart strategy that can accomplish both.
- Farmers markets, food hubs, community kitchens –these investments can create new jobs and economic activity and help revitalize surrounding areas.
- One analysis showed that for every 3 dollars this federal partnership has invested in local foods, communities were able to attract 55 additional dollars. This is exactly the kind of value that taxpayers expect and deserve from their tax dollars.
- Supporting this type of new business activity along main streets is good for people, good for business, and good for the environment.
- Along with creating jobs and attracting new investment, it allows us to reuse old buildings, make efficient use of existing infrastructure and preserve undeveloped open spaces and farmland, which by the way also helps protect water quality.
- I could go on with other benefits from investing in local foods, and I'm sure you've shared many of them already. I just wanted to stop to say how proud we are to be part of your community's efforts.
- Thank you again for coming to share your insights, and for the work you are doing to improve health, protect the environment, and help bring new businesses and new opportunity to people in your community.
- I look forward to getting a report on this meeting, and to learning about what more we can do to support your efforts.

### **Introductory Remarks:**

- Thank you for attending today's roundtable discussion.
- We are here to discuss the regulatory path forward for both new and existing power plants.
- Yet to be determined, but we will ensure the path forward does the following:
  - Increase Energy Security
  - Ensure Stability of the Grid
  - Not pick winners or losers

### **CPP did not work.**

- CPP repeal is at OMB undergoing 30-day review process.
  - Plan to have final by the fall.
- CPP was a gross overreach of statutory authority
- Goal is to provide certainty while embracing and a diverse energy mix to expand economic growth.

**AG OK Plan:** 111(d) Framework that Preserved States Rights: EPA designs a procedure and emission guidelines and States determine the legally enforceable emission standard that is as stringent as the applicable guideline – unless the state determines that circumstances justify imposition of a less string emission standard.

- Unit-by-unit, inside the fence-line approach
- Respective of engineering limitations
- Reflective of local expertise

The OK Plan: Embraces cooperative federalism and did not usurp states' decision making authority for local energy generating decisions.

- **This is one approach. I'm interested to hear your approaches.** Today, we have the top utility companies represented to discuss the following:
  - State of technology;
  - Fostering cooperation with state and local partners
  - The best path towards regulatory certainty:
    - Does that include a CPP replacement?
      - Inside the Fenceline Approach
      - Other considerations
    - No Replacement
  - Focus on workable NSPS

Invite you all to give a short statement (about 3 minutes) regarding our path forward.

**THEME: Optimism and Hope** -- YOGI BERRA:  
“The future ain’t what it used to be.”

***BRIDGE:*** We are living in a significant time – it’s epic what’s going on in our country...

### **RESTORING COOPERATIVE FEDERALISM**

- Regulators make things regular
- How our environmental laws are supposed to work – Cooperative Federalism
- EPA Original role – fulfilling its original mission or protecting our environment through rules passed by Congress
- State have the primary role (experience, expertise, and ability) to create enforce, and oversee effective regulatory systems to protect water, air, and land
- To achieve a cleaner environment – states must be partners rather than mere vessels of federal will.

### **RESTORING TRUST**

- Dispel the myth that you can’t be pro-energy and pro-environment
- After all, we live in and raise our families in the states and natural have an incentive to ensure these processes work.
- ARISTOTLE: “Friendship is at the heart of partnership.” New relationship with the states and local governments.
- Met with 18 governors and 30+ mayors within first two weeks on the job.

### **HONORING THE PRESIDNET’S COMMITMENTS**

- Federalism isn’t academic. The President’s commitments are federalism in action.
- The President has promised to address overreaching regulations like WOTUS and the Clean Power Plan – both stayed in the courts.
  - Last week – WOTUS EO issued and EPA and the Corps issued a notice in the Federal Register reconsidering the rule.
  - Last week – EPA withdrew the ICR as we are reconsidering regulations on domestic energy production.

***END:*** You may have heard about some of the help. You’ll soon hear about more.

## **Iowa Antidegradation Water Quality Standards**

### **Administrator Talking Points for 12-1-17**

#### **Issue:**

- EPA disapproved Iowa's Antidegradation Implementation Procedures (AIP) in January 2017. Iowa's regulation is inconsistent with the Water Quality Standards regulations.
- Iowa has requested that EPA change our disapproval to an approval.
- Without new information from the State justifying the discrepancy or the State revising its AIP rules to address the discrepancy, EPA cannot approve the State's AIP as consistent with the Clean Water Act.

#### **Key Messages**

- At every level EPA has been communicating with the State. Most recently in September 2017 Lee Forsgren, OW DAA, flew to Iowa to meet with state to listen and communicate possible resolutions. And in October 2017 David Foutouhi, OGC, met by teleconference with state to hear legal concerns.
- To change the disapproval to an approval, Iowa needs to either:
  - Revise its regulation to allow for site specific consideration in the alternatives analysis; or
  - Provide EPA with state specific justification explaining how or why all alternatives > 115% of base cost are not practicable

#### **Background Points**

- Iowa's revision to its AIP is inconsistent with 40 CFR 131.12 (a)(ii).
- IA limits economic viability to alternatives that cost less than 115% of base cost in all circumstances.
- IA's approved 2010 AIP acknowledges that alternatives >115% of base cost should be considered if implementation of the alternative would produce a substantial improvement in the discharge.
- EPA's regulations require that a range of practicable alternatives is analyzed.

- **Deliberative Process / Ex. 5**



## **“WATERS OF THE UNITED STATES” RULEMAKING – PROPOSED APPLICABILITY DATE CHANGE**

**ISSUE:** A February 28, 2017, Executive Order calls upon the EPA and the Department of the Army to consider redefining “waters of the United States” protected by Clean Water Act (CWA) programs in a manner consistent with U.S. Supreme Court Justice Scalia’s opinion in the *Rapanos* case. The agencies have since proposed two rules related to “waters of the United States.”

### **BACKGROUND:**

- The EPA and the Army have defined “waters of the U.S.” in regulations since the 1970s, and the regulatory definition before the 2015 rule had been in place since 1986.
- The EPA and the Army promulgated a rule in June 2015 defining “waters of the United States,” which took effect in most states on August 28, 2015.
- On October 9, 2015, the U.S. Court of Appeals for the Sixth Circuit stayed the 2015 rule nationwide pending further action of the court.
- The Supreme Court heard oral arguments on October 11, 2017, regarding which court has original jurisdiction to hear the merits of the 2015 rule – the courts of appeal or the district courts. The Supreme Court could rule at any time, which could affect the nationwide stay.
- Under the stay, the agencies are relying on the 1986 regulatory definition as interpreted by the *SWANCC* and *Rapanos* Supreme Court decisions when implementing CWA programs.

### **TALKING POINTS:**

- The agencies are pursuing a two-step approach to complying with the February 2017 Executive Order:
  - Step 1: Propose to rescind the 2015 rule and re-codify the prior regulations.
  - Step 2: Initiate a rulemaking process to reconsider the definition of “waters of the U.S.” consistent with the February 28, 2017, E.O.
- In addition, on November 16, 2017, the agencies signed a proposed rule which would establish the applicability date for the 2015 rule of two years following the finalization of the proposal.
- When finalized, this proposed rule would ensure that the 2015 rule does not become effective during this time period. This action is intended to provide greater continuity and regulatory certainty for regulated entities, the states and tribes, agency staff, and the public while the agencies continue to work expeditiously to consider possible revisions to the 2015 rule.
- Until a new regulation is in place, the agencies will continue to implement the longstanding regulatory definition, consistent with current agency guidance interpreting that definition in light of the *SWANCC* and *Rapanos* decisions, pursuant to the Sixth Circuit Court stay.

## **RESTORE COUNCIL CHAIR INTERVIEW**

3:00pm EST. (5mins max)

Call In Number:

Participant Code:

It is requested that the Administrator join the Call at 3pm and tell them that he only has a few minutes (due to another meeting), but wanted to let the State Members (Florida, Alabama, Mississippi, Louisiana & Texas) how excited we are at EPA at the possibility of being named Chair and partnering with the States.

### **TALKING POINTS**

1. EPA believes the work of the Council is extremely important and is honored to be considered by the States for the role of Chair.
2. EPA believes strongly in the Cooperative Federalism model just as the bi-partisan framers of the RESTORE Act did when they created a joint State-Federal decision-making Council that recognizes the authority and importance of the State members to guide matters in their States.
3. If fortunate enough to be selected as Chair, EPA will fulfill that role as the Act's framers intended, and the States have our commitment at the very top of the organization to make this work a priority

### **QUICK BACKGROUND FACTS:**

Following the 2010 BP Oil Spill, three large funding streams (totaling approximately \$16B) were established, funded by fines/penalties from the civil, administrative and criminal settlement/pleas. Those funding streams (NRDA, RESTORE, and NFWF) will pay for Gulf of Mexico Restoration projects for the next 15 years.

Regardless of EPA's role on any Boards, any of the restoration projects funded from these sources will require EPA review - as part of the agency's normal role in the NEPA and permitting process.

In addition to that traditional work, EPA sits on the governing boards of two of these funding sources (NRDA and RESTORE). One of these governing boards, the RESTORE Council, has a vacant Chair position that EPA is being considered for. The RESTORE Council Chair is selected by the Gulf States.

The RESTORE Council Chair leads the 11-member Council comprised of the Governors of the five Gulf States, the Administrator of EPA, and the Department Secretaries for Agriculture, Army (Corps of Engineers) Commerce (NOAA), Homeland Security (Coast Guard) Interior. The Council oversees \$1.6B of ecological restoration funding.

**Points for Administrator Pruitt's Meeting with the American Chemistry Counsel**  
**EPA's IMPLEMENTATION OF THE 2016 AMENDED TSCA**

**EPA's interpretation of the phrase "Reasonably Foreseen Uses" in implementing TSCA:**

- *Issue:* New TSCA requires EPA to make risk determinations based on both known and reasonably foreseen uses. Concerns have been raised by industry that EPA is regulating chemicals on uses that are not clearly foreseen.
- *Talking Point:* (from 6.22.2017 Risk Evaluation Final Rule): The Agency is committed to determining the conditions of use in a reasonable manner and will not base this determination upon hypotheticals or conjecture.

**EPA's approach to "Legacy Uses" in review of existing chemicals under TSCA:**

- *Issue:* EPA has received criticisms that we may not consider 'legacy' uses in the review of existing chemicals.
- *Talking Point:* In general, EPA believes TSCA is best suited to address uses for which a chemical is currently being manufactured. EPA will consider exposures of the legacy uses as appropriate. EPA will always include evaluations of conditions of use that raised the greatest potential for risk. If there's risk whether an old use or new, raise it, and EPA will include it in the evaluation of how we act, prioritize, regulate.

**TSCA User Fees Rule:**

- *Background:* New TSCA enables EPA to collect fees from chemical manufacturers and processors by rulemaking. The fees collected will be either 25 percent of the costs for administering portions of TSCA, or up to \$25 million a year for the first three years, whichever is less.
- *Talking Point:* A draft of the rule is currently under development and is expected to be proposed in February; EPA plans to finalize a rule in 2018.

**Legal Challenges:**

- Several groups have filed lawsuits against EPA's current interpretation of "conditions of use" (e.g., ENGOs), and several groups (such as ACC) have filed in support of EPA.

## **WOTUS**

### **EPA and the Army will send WOTUS Step Two to OMB for Interagency Review**

- From day one, Administrator Pruitt has been focused on listening to stakeholders and bringing common sense and fairness back to the rulemaking process.
- Tomorrow, EPA and the Army will send a proposed rule that would redefine “waters of the United States” to the Office of Management and Budget for interagency review.
- This is an important step in the agencies’ efforts to answer President Trump’s call to ensure that our waters are kept free from pollution, promoting economic growth, minimizing regulatory uncertainty, and showing due regard for the proper roles of the federal government and the states under the statutory framework of the Clean Water Act.
- EPA and the Army are committed to listening to public input, providing clear and transparent rules and ensuring that our waters remain clean and our economy can continue to thrive.
- The agencies will issue the proposal for public comment after the interagency review process is complete.

### **EPA is issuing WOTUS Step One Supplemental Proposal for Public Review and Comment**

- Today, in a separate, but related action, EPA and the Army are issuing a supplemental notice of proposed rulemaking to the July 2017 proposed action to repeal the 2015 definition of “Waters of the United States” (WOTUS).
- Farmers, ranchers, landowners, and many others across the country are counting on EPA to listen to their input and follow the law when it comes to defining “waters of the United States.”
- During last year’s public comment period, EPA and the Army heard from hundreds of thousands of stakeholders about the proposal to repeal the 2015 definition of WOTUS.
- After reviewing this input, EPA and the Army are issuing a supplemental notice of proposed rulemaking to clarify that the agencies intend to permanently repeal the 2015 rule in its entirety and recodify the pre-2015 regulations, a longstanding regulatory framework that is currently being administered by the agencies.
- The agencies are also issuing the supplemental notice of proposed rulemaking to give the public an opportunity to comment on the considerations that support the agencies’ proposed repeal, which the agencies did not in detail discuss in the initial proposal.
- The agencies are continuing to review the comments received on the July 2017 proposal and will be accepting public comment on the supplemental proposal for 30 days after it is published in the Federal Register.
- Commenters do not need to resubmit comments already provided to the agencies in response to the July 2017 proposal. The agencies will consider comments received on both the July 2017 proposal and the supplemental proposal in taking a final action on this rulemaking.

**From:** Bowman, Liz [Bowman.Liz@epa.gov]  
**Sent:** 9/18/2017 3:16:18 PM  
**To:** Ferguson, Lincoln [ferguson.lincoln@epa.gov]; sooners7, adm [sooners7@epa.gov]  
**Subject:** Concordia Talking Points

## ADMINISTRATOR PRUITT CONCORDIA EVENT

### OVERVIEW

- EPA's back-to-basics agenda is focused on: air attainment and improving air quality; clean water and fixing outdated infrastructure; cleaning up contaminated land through the Superfund program; and, ensuring chemicals have been reviewed for safety.
- Leading the Agency w/ three core principles: rule of law, process matters, and cooperative federalism.
  - **Rule of Law:** We are reversing the past administration's attitude that one can simply reimagine their authority. Administrator Pruitt firmly believes that federal agencies exist to administer the law.
  - **Process:** Over the last several years the agency engaged in rulemaking through consent decrees, sue and settle, and guidance. No more regulation through litigation.
  - **Cooperative Federalism:** EPA is now respecting the role of the states, who all have unique environmental needs. Arizona does not have the same needs as Minnesota.

### TANGIBLE ENVIRONMENTAL RESULTS (air, land, water)

- People care about the air they breathe; the water they drink. This goes to the heart of human health.
- **Air:** We are focused on increasing the number of people that live in areas that meet the current air quality standards, rather than moving the goal post.
  - States have made tremendous progress and significant investment in cleaning up the air. Since 1980, total emissions of the six criteria air pollutants regulated under the National Ambient Air Quality Standards (NAAQS) program have dropped by approximately 65 percent and ozone levels have declined 33 percent.
  - That means that states are already focused on keeping their air clean. And, it should be our job at EPA to find ways that help increase the number of people living and working in areas that meet national air quality standards.
  - That means finding ways to get more accurate measurements of the areas of the country that still need help.
- **Land:** We are providing people with the use of their land again, and restoring communities by accelerating cleanups of the nation's most contaminated sites – Superfunds.
  - New Task Force to get sites cleaned up quicker, and the right way. It's not about money, but about better leadership.
  - When it comes to contaminated land, we are going to punish bad actors. It is vital that we use the resources we were blessed with responsibly and respectfully.

- And, that means that our job is to punish those who violate the laws to the detriment to human health or the environment.
- EPA's enforcement efforts have produced billions of dollars in cleanup commitments from violators; and billions of pounds of pollution prevented and cleaned up as a result of those commitments.
- **Water:** The president has made it clear that maintaining infrastructure is critical.
  - At EPA, that means ensuring we continue to make investments in drinking water and wastewater infrastructure.
  - We will continue to partner with states to address sources of drinking water contamination. These efforts are integral to infrastructure efforts because source water protection can reduce the need for additional drinking water treatment, and avoid unnecessary costs.

### **CLIMATE CHANGE (PARIS AND RED/BLUE)**

- **Hurricanes and Climate Change:** The earth's climate is one large, complex system with many variables. The Intergovernmental Panel on Climate Change (IPCC) 2013 findings say that there is little to no evidence of increased flooding across the world amid rising temperatures. IPCC's findings are regarded as "scientific census" by most climate scientists.
- **Paris Agreement:** Getting out of Paris does not limit future conversations with the same international parties about a better deal or approach to climate.
  - WSJ Article (claiming we are now staying in Paris): **There has been no change in the United States' position on the Paris agreement.** As the President has made abundantly clear, the United States is withdrawing unless we can re-enter on terms more favorable to our country.
  - Paris would have resulted in a GDP loss of over \$2.5 trillion and up to 400,000 jobs lost in just ten years - 200,000 of those in the manufacturing sector.
  - The targets set in Paris - the 26-28 percent reduction in greenhouse gases and CO2 emissions - under the previous administration, every action President Obama took still fell 40 percent short of the targets.
- **Red Team/Blue Team:** We are not rejecting the science; we are putting the science front and center, because we believe that Americans deserve a robust, open scientific debate.
  - A Red Team/Blue Team exercise is important to understanding the questions that remain unanswered, so that we can focus our country's resources and taxpayer dollars accordingly.

### **ADDITIONAL BACKGROUND ON CLIMATE SCIENCE:**

- IPCC says we don't know how the climate will respond to growing GHGs to within a factor of 3 (and that range isn't shrinking with time).
- Page 58 of the CSSR 50D: *Key remaining uncertainties relate to the precise magnitude and nature of changes at global, and particularly regional, scales, and especially for extreme events and our ability to observe these changes at sufficient resolution and to simulate and attribute such changes using climate models.*

- American Physical Society event that was convened with experts to debate the matter:  
<http://www.aps.org/policy/statements/upload/climate-seminar-transcript.pdf>. Summary here:  
<https://www.wsj.com/articles/climate-science-is-not-settled-1411143565>

## **PUBLIC/PRIVATE PARTNERSHIPS**

- **WIFIA:** (Water Infrastructure Finance and Innovation Act) helps rebuild our water through public-private partnerships. Stimulates capital investments, creates local jobs.
  - Infrastructure is more than just roads and bridges, improvements are needed to address drinking and waste water infrastructure, and EPA's WIFIA program offers opportunities to spur innovative investments that address these needs in communities across the country.
  - \$20 million is funded through President Trump's FY18 budget, which will provide about \$1 billion worth of loans.
- **Superfunds:** EPA is re-invigorating potentially responsible party (PRP) cleanup and reuse of Superfund sites to return land to communities faster.
  - EPA is identifying opportunities to engage independent third parties to oversee certain aspects of some cleanups, such as Lead Cleanups.
  - We have some sites where we as EPA partner with a Responsible Party on a site. St. Francis County in Missouri and Big River, Mo. are examples of this right now. The private responsible party will be paying 60 percent and leading the cleanup. EPA will contribute 40 percent because the other Responsible Parties are not able to be found or are without financial means. This gets the clean-up effected and prevents EPA from shouldering the entire burden.

###

Liz Bowman  
U.S. Environmental Protection Agency (EPA)  
Office: 202-564-3293

## **Talking Points for GPA Midstream: New Source Performance Standard for Oil and Gas (i.e. Methane Rule)**

**Background:** GPA Midstream Association has 100 members engaged in the gathering and processing of natural gas into merchantable pipeline gas, commonly referred to as “midstream activities.” This includes the removal of impurities from the raw gas stream produced at the wellhead, as well as the extraction for sale of natural gas liquid products such as ethane, propane, butane and natural gasoline.

Upstream natural gas production and midstream gas gathering and processing are distinct, sequential steps in the natural gas supply chain. Producers develop, operate and control the well sites where they extract the natural gas. The producers transfer the gas to midstream companies that gather, compress and process the gas. As distinct businesses, their producers and midstream operators negotiate agreements to transfer custody, which often occurs at midstream equipment that is co-located at the producer’s facility.

GPA sent EPA a letter in March 2017 highlighting a core list of problems with the Methane Rule, including:

- Need to exclude certain midstream assets from the definition of “well site – the current Rule potentially captures midstream operators that would be subject to costly and burdensome Lead Detection and Repair (LDAR) monitoring requirements;
- Simplify paperwork requirements from quarterly reporting to annual;
- Fix the “delay of repair” provision by only requiring repairs during times of scheduled shutdowns – operators generally can promptly repair most leaking components, however some must be delayed to ensure safe, reliable operations. The Rule currently does not allow for delay of certain repairs and would require a shutdown of operations in the event it takes a long time to acquire replacement parts; and
- Revise “capital expenditure” definition consistent with today’s economics – the Rule uses a method to determine capital expenditure that was developed during the high inflation of the 1980’s causing small modifications at a covered facility to trigger the new requirements.



## Talking Points:

- EPA is working to fix the current Methane Rule that was a part of the previous administration's legally flawed and technically deficient climate regulations.
- You all may recall that just prior to the finalization of the Methane Rule, Gina McCarthy admitted that the agency was still learning the industry.
  - McCarthy Statement in February 2016: "My caveat is that **EPA's learning this industry right now because it's not an industry we regulate. We've just gotten into regulation of this** so there's a lot of hundreds of thousands of small sources and EPA doesn't generally have a relationship with this industry as we do other sectors that we've regulated for frankly decades. **But we're learning.**"
- I know this industry and that it is something to celebrate.
- From a regulatory perspective, the Agency is listening to the legitimate technical and legal questions the oil and gas industry has been raising from the start.
  - One of my first actions after confirmation was to withdraw the Information Collection Request (ICR) the previous administration initiated that was meant to provide a pathway for regulating existing oil and gas facilities.
  - The agency is reviewing the Methane Rule for new sources and assessing how to separate out the distinct components into regulated source categories that make sense.
    - This approach moves the agency back to where it is regulating based on a VOCs-only standard.
  - The agency is also advancing a 2-year compliance delay effort to alleviate existing compliance obligations for the Methane Rule– it does not make sense for the industry to expend resources complying with a rule that is undergoing significant changes.
- From a practical perspective, EPA recognizes the industry-led leadership in voluntarily reducing methane emissions:
  - Since 1990, combined natural gas and petroleum system methane emissions have fallen 19% (Source: EPA Greenhouse Gas Inventory) while at the same time natural gas production has risen [ [HYPERLINK "https://www.eia.gov/dnav/ng/hist/n9070us2A.htm"](https://www.eia.gov/dnav/ng/hist/n9070us2A.htm) ] and oil production has increased [ [HYPERLINK "https://www.eia.gov/dnav/pet/hist/LeafHandler.ashx?n=pet&s=mcrfps2&f=a"](https://www.eia.gov/dnav/pet/hist/LeafHandler.ashx?n=pet&s=mcrfps2&f=a) ].
  - Advancements in hydraulic fracturing are the leading reason for expansive growth in natural gas use and the associated reduction in our carbon dioxide emissions.
  - We lead the world in emissions reduction and the efforts of the oil and gas industry are the leading reason why.

## Background/Status Update:

- The DC Circuit vacated the short-term 90-day stay meant to delay June 3rd compliance requirements associated with the methane rule. Accordingly, the rule and those associated compliance requirements have been in effect since July.
- Long-term (2 year stay effort): The Agency published a 2-year compliance delay in July taking notice and comment through August 9<sup>th</sup>. The agency plans to publish a supplemental notice to provide better clarity to the regulated community and bolster legal durability.
- Additionally, work has begun on the substantive issues of the underlying rule.
  - The previous administration spent years aggregating smaller sources that make up the entire chain of oil and gas operations into one large source.
    - Aggregating these smaller sources into one large source was necessary for purposes of triggering the “endangerment” threshold of the Clean Air Act and justifying a new source performance standard solely focused on control of methane.
  - Since June, OAR technical staff have been developing analysis needed to separate out or break up each of the categories. Each of these categories will then go through a separate analysis to determine whether they “significantly contribute” to the endangerment of public health or welfare.
  - Sources that do not significantly contribute (as will be the case once the chain of oil and gas operations is broken up) will then be regulated based on a VOCs-only standard, which is consistent with the regulatory requirements that were in place before the Obama-era Methane Rule.
  - Despite the agencies regulatory treatment of Methane, controlling VOCs also results in the control of methane throughout the entire chain of oil and gas operations.
  - Additionally, the industry has had in place a voluntary methane control program that has led to significant reductions of methane even as the industry has experienced continual growth.

**On-The-Record Interview with the Des Moines Register Kathie Obradovich & Donnelle Eller**  
**Tuesday, August 8th at 7:30 AM – 7:45 AM CDT**  
**Iowa State Capitol – Room 15**  
**1007 E Grand Avenue; Des Moines, Iowa 50319**

Location: Iowa State Capitol – Room 15

Reporter: Kathie Obradovich & Donnelle Eller

Outlet: The Des Moines Register

Topics: Visit to Iowa, EPA's Back to Basics Agenda, WOTUS

About the Des Moines Register:

The Des Moines Register is the largest newspaper in Iowa with a readership over 100,000 people. Kathie covers Iowa state government, politics and the Iowa caucuses. Donnelle covers farming, environment and energy issues for the Register.

Anticipated Questions:

- What is the purpose of your trip to Iowa and why is WOTUS important to Iowans?
- Will the Trump Administration keep the RFS intact?

Topline Talking Point:

- We are in Iowa to discuss the Waters of the United States, which is referred to as WOTUS. We are evaluating returning power to the states and provide regulatory certainty to our nation's farmers and businesses, pertaining to the issue of WOTUS. This is the first step in the two-step process to redefine 'waters of the U.S.' and we are committed to moving through this re-evaluation to quickly provide regulatory certainty, in a way that is thoughtful, transparent and collaborative with other agencies and the public.
- President Trump has said he supports the RFS and I have met with Governor Reynolds three times about this topic. Our 2018 Renewable Fuel Standard kept the conventional renewable fuel volumes – which pertains to corn – at the limit set by Congress. Fuel security is an important component of the path toward American energy dominance, where we will be at a place where America will win.
- The previous administration was so focused on their activist agenda, that they literally ignored the looming lead crisis in Flint, Michigan for over a year. In Colorado, the EPA destroyed a river through the Gold King Mine explosion. Finally, under the Obama Administration, we had more Superfund sites – which are toxic land sites – when he took office than when he left. This administration is actually committed to protecting the environment and American jobs.

#### Recent Clips:

**EPA lowers mandate for cellulosic biofuel, keeps ethanol at 15 billion gallons.** "Iowa officials largely cheered the Trump administration's new renewable fuel targets Wednesday, saying the standards are the first big test of the president's commitment to ethanol and biodiesel. But industry and political leaders called the biodiesel and next-generation cellulosic ethanol goals weak, even as they hailed keeping conventional ethanol levels steady. 'I commend the Trump administration for its commitment to keeping the Renewable Fuel Standard at the level set by Congress,' Gov. Kim Reynolds said Wednesday. But, 'I am disappointed biodiesel levels are not higher.'" ([ HYPERLINK "<http://www.desmoinesregister.com/story/money/2017/07/05/epa-lowers-mandate-advanced-biofuel-keeps-ethanol-15-b-gallons/452831001/>" ], 07/06/17)

**Obradovich: Trump's climate denial jilts Iowa.** "The Paris climate accord is simply the latest example of Washington entering into an agreement that disadvantages the United States, to the exclusive benefit of other countries, leaving American workers, who I love, and taxpayers to absorb the cost in terms of lost jobs, lower wages, shuttered factories and vastly diminished economic production,' Trump said. In Iowa, however, Republican leaders have been busy promoting renewable energy as an important part of the state's economic future. Just over two months ago, the governor and lieutenant governor were touting the job creation and economic potential of Iowa's wind industry. 'Companies like Facebook, Google and Microsoft and many other have expressed how critical renewable energy has been to their decision to locate here in Iowa,' Lt. Gov. Kim Reynolds, who has since taken over as governor, said at the time. Some of these major national companies, by the way, urged the president to stick with the Paris accord.'" ([ HYPERLINK "<https://www.desmoinesregister.com/story/opinion/columnists/kathie-obradovich/2017/06/02/obradovich-trumps-climate-denial-jilts-iowa/365839001/>" ], 06/02/17)

#### WOTUS Press Releases:

**EPA, U.S. Army Move to Rescind 2015 "Waters of the U.S."** "The Environmental Protection Agency, Department of Army, and Army Corps of Engineers (the agencies) are proposing a rule to rescind the Clean Water Rule and re-codify the regulatory text that existed prior to 2015 defining "waters of the United States" or WOTUS. This action would, when finalized, provide certainty in the interim, pending a second rulemaking in which the agencies will engage in a substantive re-evaluation of the definition of "waters of the United States." The proposed rule would be implemented in accordance with Supreme Court decisions, agency guidance, and longstanding practice. 'We are taking significant action to return power to the states and provide regulatory certainty to our nation's farmers and businesses,' said Administrator Scott Pruitt. 'This is the first step in the two-step process to redefine 'waters of the U.S.' and we are committed to moving through this re-evaluation to quickly provide regulatory certainty, in a way that is thoughtful, transparent and collaborative with other agencies and the public.'" (Press Release, 06/27/17)

**Governor Kim Reynolds (IA):** "Waters of the United States was a significant and severe case of government overreach by the Obama administration. I want to thank Secretary Pruitt for recognizing that WOTUS forced onerous and unnecessary burdens on Iowa's farmers and businesses. I also want to express my appreciation to the Trump administration for its

continuing commitment to work with states, not against them.” ([ HYPERLINK "http://usenvironmentalprotectionagency.cmail20.com/t/d-l-kdiljrl-alydlulij-i/" ], 06/27/17)

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**EPA Proposes RFS Volumes Reflective of Market Realities for 2018.** “Today, the U.S. Environmental Protection Agency (EPA) signed a proposed rule setting the minimum amount of renewable fuels that must be supplied to the market in calendar year 2018 under the Renewable Fuel Standards (RFS) program. Today’s action proposes volume requirements and associated percentage standards that maintain renewable fuel volumes at levels comparable to the 2017 standards, recognizing limits to the growth of cellulosic and advanced biofuels. ... ‘Increased fuel security is an important component of the path toward American energy dominance,’ said EPA Administrator Scott Pruitt. ‘We are proposing new volumes consistent with market realities focused on actual production and consumer demand while being cognizant of the challenges that exist in bringing advanced biofuels into the marketplace. Timely implementation provides certainty to American refiners, the agriculture community and broader fuels industry, all of which play an important role in the RFS program.’” (Press Release, 07/05/17)

**Governor Kim Reynolds (IA):** “I commend the Trump administration for its commitment to keeping the Renewable Fuel Standard at the level set by Congress. I am also pleased the Environmental Protection Agency is bringing predictability and stability to the renewable fuels industry. I am disappointed biodiesel levels are not higher, but Iowa will continue working with the administration to increase marketplace opportunities for biodiesel. I am grateful this administration works for and with our state rather than against it.” (Press Release, 07/05/17)

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## **EPA lowers mandate for cellulosic biofuel, keeps ethanol at 15 billion gallons**

The Des Moines Register

July 6, 2017

[ HYPERLINK "<http://www.desmoinesregister.com/story/money/2017/07/05/epa-lowers-mandate-advanced-biofuel-keeps-ethanol-15-b-gallons/452831001/>" ]

Iowa officials largely cheered the Trump administration's new renewable fuel targets Wednesday, saying the standards are the first big test of the president's commitment to ethanol and biodiesel.

But industry and political leaders called the biodiesel and next-generation cellulosic ethanol goals weak, even as they hailed keeping conventional ethanol levels steady.

"I commend the Trump administration for its commitment to keeping the Renewable Fuel Standard at the level set by Congress," Gov. Kim Reynolds said Wednesday. But, "I am disappointed biodiesel levels are not higher."

If finalized, it would be only the second time in history that the total renewable fuel goal would be lowered.

"There was a big push within the petroleum industry to get President Trump to walk back his commitment to corn ethanol," said Monte Shaw, executive director of the Iowa Renewable Fuels Association.

At least "on the corn side, he did uphold" his promises, Shaw said.

The U.S. Environmental Protection Agency Wednesday proposed a Renewable Fuel Standard that would:

Keep conventional ethanol, typically made from corn, at the statutory maximum of 15 billion gallons next year.

Drop the level of cellulosic biofuel, considered the next generation of ethanol, 73 million gallons to 238 million gallons in 2018.

Maintain the biomass-based diesel standard for 2019 at the 2018 levels of 2.1 billion gallons. This mandate covers biodiesel, often made from soybeans and vegetable and animal fats.

Congress adopted Renewable Fuel Standard in 2005 and expanded it in 2007, wanting a cleaner source of fuel that makes the nation less reliant on foreign oil production.

The program requires oil companies to blend increasing volumes of renewable fuels with gasoline and diesel, culminating with 36 billion gallons in 2022.

U.S. Rep. Dave Loebsack, a Democrat, said Trump "once again has turned his back on Iowa's farmers and rural communities" with his renewable fuels proposal.

"We must aggressively push for the EPA to expand the RFS and the use of biofuels, not slash it," he said. "Folks in Iowa know that the RFS is working."

The National Corn Growers Association said the rule proposal is "good for farmers who are facing tough economic times and good for consumers who want affordable fuel choices that give us a cleaner environment."

Corn and soybean prices are about 50 percent lower than they were in 2012, a year following a widespread drought.

Last year, Iowa led the nation in corn production; it ranked second for soybean production.

"The Renewable Fuel Standard has been a resounding success: cleaner air, greater energy independence, and stronger rural communities," said Texas farmer Wesley Spurlock, the association's president.

Tom Brooks, chairman of the Iowa Biodiesel Board, however, said the biomass-based diesel proposal "would set this important American manufacturing sector back at a time when we stand ready to take a large leap forward."

"Iowa, as the nation's top biodiesel-producing state, has expanded capacity in anticipation of better times ahead — but that is now looking bleaker," said Brooks, general manager of Western Dubuque Biodiesel in Farley.

U.S. Sen. Chuck Grassley, an Iowa Republican, called the proposal "a mixed bag."

"While I'm glad the EPA's proposal holds steady the requirement of 15 billion gallons for conventional ethanol, the lack of any increase for biodiesel is a missed opportunity," he said. "The proposal fails to recognize the ability of the domestic biodiesel industry to produce at much higher levels."

Jeff Broin, CEO of Poet, a large South Dakota ethanol producer, said the reduced cellulosic ethanol goal "will cool advances" in technology.

Poet is pushing to make cellulosic ethanol from corn cobs, husks and other biomass in Emmetsburg; DuPont is doing the same with a new plant in Nevada.

Quad County Corn Processors makes cellulosic ethanol from corn kernel fibers in Galva. Other U.S. plants use algae and other biomass.

"For the biofuels industry to grow, we need to see robust cellulosic ethanol production using multiple feedstocks from across the country, and the annual EPA volumes must keep our industry on that path," Broin said.

The cellulosic ethanol standards have been criticized as overoptimistic, given the next generation has been slow to develop until recent years.

Shaw, executive director of the Iowa Renewable Fuels Association, said "maintaining the 15 billion gallon conventional biofuels level "is good news for E15, motorists and farmers."



"Unfortunately, a change in administrations did not change the EPA's under-appreciation for the potential of U.S. biodiesel production," Shaw said. "Keeping biodiesel levels frozen at 2.1 billion falls short of U.S. industry capabilities, even before imports are considered."

Shaw, Reynolds and others said it will be important to push for higher biodiesel and cellulosic ethanol levels through public comments.

Renewable fuels advocates have been nervous about Trump's stand on ethanol and biodiesel with Scott Pruitt leading EPA. Pruitt aggressively opposed the Renewable Fuel Standard as the former Oklahoma attorney general.

On Wednesday, Pruitt said: "Increased fuel security is an important component of the path toward American energy dominance."

## **Obradovich: Trump's climate denial jilts Iowa**

The Des Moines Register

Kathie Obradovich

July 2, 2017

[ HYPERLINK "<https://www.desmoinesregister.com/story/opinion/columnists/kathie-obradovich/2017/06/02/obradovich-trumps-climate-denial-jilts-iowa/365839001/>" ]

President Donald Trump ditched Iowa twice.

The president bailed out of plans for a rally in Cedar Rapids on Thursday, citing only an unspecified scheduling change.

Come to find out, he was hosting a different party to which Iowa was pointedly not invited. Trump, with great fanfare, announced Thursday in a televised Rose Garden address that the United States would withdraw from the Paris climate accord. Iowa, which is positioned to be a national and perhaps international leader in clean energy, loses. Bigly.

Trump worked overtime Thursday to persuade Americans and the world that cutting carbon emissions equals a catastrophic loss of jobs.

"The Paris climate accord is simply the latest example of Washington entering into an agreement that disadvantages the United States, to the exclusive benefit of other countries, leaving American workers, who I love, and taxpayers to absorb the cost in terms of lost jobs, lower wages, shuttered factories and vastly diminished economic production," Trump said.

In Iowa, however, Republican leaders have been busy promoting renewable energy as an important part of the state's economic future. Just over two months ago, the governor and lieutenant governor were touting the job creation and economic potential of Iowa's wind industry.

"Companies like Facebook, Google and Microsoft and many other have expressed how critical renewable energy has been to their decision to locate here in Iowa," Lt. Gov. Kim Reynolds, who has since taken over as governor, said at the time.

Some of these major national companies, by the way, urged the president to stick with the Paris accord.

Iowa has created a new energy plan that combines recommendations for research and development of clean energy technology, increasing the use and production of renewable energy, developing and enhancing energy infrastructure such as the power grid, and increasing energy conservation. All of these ideas were couched as ways to reduce energy costs and create good-paying jobs while also protecting the environment.

But the president ignored the opportunities provided by green energy in his wildly exaggerated and inaccurate description of the economic threat posed by U.S. participation in the Paris accord. He claimed the accord would prevent the United States from building new coal-fired power plants while allowing China and India to build hundreds.

The fact is, however, that the United States and every other one of the 195 countries that signed on to the accord set its own, voluntary and non-binding standards. In fact, that's one of the gripes some

environmentalists had about the agreement — it wasn't stringent enough and lacked any means of enforcement besides peer pressure.

Considering we're talking about the future of the planet, however, the Paris accord is infinitely better than nothing. Just having the world at the table with a common goal of slowing the rise in the Earth's temperature was an historic first step. Trump, with his "America first" jingoism, has single-handedly set up the United States as a barrier to progress.

Trump made some vague remarks about trying to renegotiate the terms of the Paris accord. "And if we can, that's great. And if we can't, that's fine," he said. In other words, he doesn't give a hang and nothing is going to happen.

Trump could have redefined the United States' voluntary obligation any time he wanted and worked within the accord to pressure other countries to step up their participation. Instead, he's giving other countries an excuse to also walk away. Or, if the accord somehow holds together, it will be under China's leadership. Trump has handed America's toughest rival the inside track on the economic benefits of development and export of green energy technology.

Now, the renewable energy industry in Iowa and around the country will continue to march forward. But Trump's refusal to acknowledge the economic potential of green energy makes that increasingly an uphill slog. His eagerness to return to full-on, carbon-belching fossil fuels by rolling back environmental regulations may make it harder over time for wind and solar to compete. But hey, at least the coal miners will have jobs.

Luckily, Iowa has a few advantages that other states don't. If China is to dominate the global market for green energy, Iowa still may gain through its close relationship with the country. The ambassadorship of former Gov. Terry Branstad only enhances the opportunities.

The process for withdrawing from the Paris accord takes time, which gives Iowa another advantage. The Iowa caucuses allow voters here to make sure climate change is a significant part of the debate for the 2020 presidential election.

If all else fails, at least Iowa is in the center of the country. We won't be underwater when the oceans rise, but it should be a shorter trip to the beach.

**On-The-Record Interview with KCCI's Up Close with Steve Karlin & Cynthia Fodor**  
**Tuesday, August 8th at 12:00 PM – 12:15 PM CDT**  
**888 9th St, Des Moines, IA 50309**

Location: 888 9th St, Des Moines, IA 50309

Reporter: Steve Karlin & Cynthia Fodor

Outlet: KCCI (CBS Affiliate and most watched station by conservatives in Iowa)

Topics: Visit to Iowa, EPA's Back to Basics Agenda, WOTUS

About KCCI-TV:

KCCI is the most watched network by conservatives in the state of Iowa and this program will air on Sunday, following Face the Nation. Steve Karlin anchors KCCI 8 News at 5 p.m., 6 p.m. and 10 p.m. Cynthia Fodor is a two-time Emmy Award winning reporter and anchor for KCCI 8 News.

Anticipated Questions:

- What is the purpose of your trip to Iowa and why is WOTUS important to Iowans?
- Will the Trump Administration keep the RFS intact?

Topline Talking Point:

- We are in Iowa to discuss the Waters of the United States, which is referred to as WOTUS. We are evaluating returning power to the states and provide regulatory certainty to our nation's farmers and businesses, pertaining to the issue of WOTUS. This is the first step in the two-step process to redefine 'waters of the U.S.' and we are committed to moving through this re-evaluation to quickly provide regulatory certainty, in a way that is thoughtful, transparent and collaborative with other agencies and the public.
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Location: Iowa State Capitol – Room 15

Reporter: Erin Murphy

Outlet: Lee Newspapers own the newspapers in Davenport, Cedar Rapids, Mason City, Osage, Mucatine, Sioux City and Waterloo

Topics: Visit to Iowa, EPA's Back to Basics Agenda, WOTUS

About the Des Moines Register:

The Des Moines Register is the largest newspaper in Iowa, but Lee Newspaper has the largest reach across the state as they own papers in 7 cities in the state. Erin Murphy is a very fair reporter and he's also a fan of the Green Bay Packers.

Anticipated Questions:

- What is the purpose of your trip to Iowa and why is WOTUS important to Iowans?
- Will the Trump Administration keep the RFS intact?

Topline Talking Point:

- We are in Iowa to discuss the Waters of the United States, which is referred to as WOTUS. We are evaluating returning power to the states and provide regulatory certainty to our nation's farmers and businesses, pertaining to the issue of WOTUS. This is the first step in the two-step process to redefine 'waters of the U.S.' and we are committed to moving through this re-evaluation to quickly provide regulatory certainty, in a way that is thoughtful, transparent and collaborative with other agencies and the public.
- President Trump has said he supports the RFS and I have met with Governor Reynolds three times about this topic. Our 2018 Renewable Fuel Standard kept the conventional renewable fuel volumes – which pertains to corn – at the limit set by Congress. Fuel security is an important component of the path toward American energy dominance, where we will be at a place where America will win.
- The previous administration was so focused on their activist agenda, that they literally ignored the looming lead crisis in Flint, Michigan for over a year. In Colorado, the EPA destroyed a river through the Gold King Mine explosion. Finally, under the Obama Administration, we had more Superfund sites – which are toxic land sites – when he took office than when he left. This administration is actually committed to protecting the environment and American jobs.

WOTUS Press Releases:

**EPA, U.S. Army Move to Rescind 2015 "Waters of the U.S."** "The Environmental Protection Agency, Department of Army, and Army Corps of Engineers (the agencies) are proposing a rule to rescind the Clean Water Rule and re-codify the regulatory text that existed prior to 2015 defining "waters of the United States" or WOTUS. This action would, when finalized, provide certainty in the interim, pending a second rulemaking in which the agencies will engage in a substantive re-evaluation of the definition of "waters of the United States." The proposed rule would be implemented in accordance with Supreme Court decisions, agency guidance, and longstanding practice. 'We are taking significant action to return power to the states and provide regulatory certainty to our nation's farmers and businesses,' said Administrator Scott Pruitt. 'This is the first step in the two-step process to redefine 'waters of the U.S.' and we are committed to moving through this re-evaluation to quickly provide regulatory certainty, in a way that is thoughtful, transparent and collaborative with other agencies and the public.'" (Press Release, 06/27/17)

**Governor Kim Reynolds (IA):** "Waters of the United States was a significant and severe case of government overreach by the Obama administration. I want to thank Secretary Pruitt for recognizing that WOTUS forced onerous and unnecessary burdens on Iowa's farmers and businesses. I also want to express my appreciation to the Trump administration for its continuing commitment to work with states, not against them." ([ HYPERLINK "<http://usenvironmentalprotectionagency.cmail20.com/t/d-l-kdiljrl-alydlulij-i/>" ], 06/27/17)

**Senator Joni Ernst (IA):** "I am pleased that the Trump administration is taking another important step toward eliminating this burdensome WOTUS rule. In Iowa, 97 percent of the land is subject to extensive overregulation by the EPA and unnecessarily hamstrings our farmers, businesses and manufacturers. All across Iowa, folks are calling for this rule to be scrapped, which is why I have led efforts in the Senate to do just that. This is good news for Iowa and rural communities across the country as we move closer to finally eliminating this overreaching rule." ([ HYPERLINK "<http://usenvironmentalprotectionagency.cmail20.com/t/d-l-kdiljrl-alydlulij-u/>" ], 06/27/17)

**Senator Chuck Grassley (IA):** "This is great news for accountability in government. This was a bad regulation drafted under a bad process. The EPA over-reached its authority and ignored and manipulated legitimate concerns raised by the public. Farmers, land owners and builders in Iowa struggled to make sense of the regulation. Having the federal EPA and the Corps of Engineers require permits for routine land use decisions is a waste of resources that are better used enforcing existing regulations against discharging pollutants into the nation's waterways. Agencies ought to enforce the laws as Congress intended, not stretch beyond their authority to inflict unnecessary expense and red tape on law-abiding farmers and employers." ([ HYPERLINK "<http://usenvironmentalprotectionagency.cmail20.com/t/d-l-kdiljrl-alydlulij-b/>" ], 06/27/17)

RFS Press Releases:



**EPA Proposes RFS Volumes Reflective of Market Realities for 2018.** “Today, the U.S. Environmental Protection Agency (EPA) signed a proposed rule setting the minimum amount of renewable fuels that must be supplied to the market in calendar year 2018 under the Renewable Fuel Standards (RFS) program. Today’s action proposes volume requirements and associated percentage standards that maintain renewable fuel volumes at levels comparable to the 2017 standards, recognizing limits to the growth of cellulosic and advanced biofuels. ... ‘Increased fuel security is an important component of the path toward American energy dominance,’ said EPA Administrator Scott Pruitt. ‘We are proposing new volumes consistent with market realities focused on actual production and consumer demand while being cognizant of the challenges that exist in bringing advanced biofuels into the marketplace. Timely implementation provides certainty to American refiners, the agriculture community and broader fuels industry, all of which play an important role in the RFS program.’” (Press Release, 07/05/17)

**Governor Kim Reynolds (IA):** “I commend the Trump administration for its commitment to keeping the Renewable Fuel Standard at the level set by Congress. I am also pleased the Environmental Protection Agency is bringing predictability and stability to the renewable fuels industry. I am disappointed biodiesel levels are not higher, but Iowa will continue working with the administration to increase marketplace opportunities for biodiesel. I am grateful this administration works for and with our state rather than against it.” (Press Release, 07/05/17)

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**On-The-Record Interview with Radio Iowa's Kay Henderson**  
**Tuesday, August 8th at 8:30 AM – 8:40 AM CDT**  
**Iowa State Capitol – Room 15**  
**1007 E Grand Avenue; Des Moines, Iowa 50319**

Location: Iowa State Capitol – Room 15

Reporter: Kay Henderson

Outlet: Radio Iowa

Topics: Visit to Iowa, EPA's Back to Basics Agenda, WOTUS

About Radio Iowa:

Radio Iowa is the largest ag radio station in Iowa and Kay Henderson is viewed as the dean of the Iowa Press corps. She's a fair reporter who will use the audio to both write a print story and use on the radio station.

Anticipated Questions:

- What is the purpose of your trip to Iowa and why is WOTUS important to Iowans?
- Will the Trump Administration keep the RFS intact?

Topline Talking Point:

- We are in Iowa to discuss the Waters of the United States, which is referred to as WOTUS. We are evaluating returning power to the states and provide regulatory certainty to our nation's farmers and businesses, pertaining to the issue of WOTUS. This is the first step in the two-step process to redefine 'waters of the U.S.' and we are committed to moving through this re-evaluation to quickly provide regulatory certainty, in a way that is thoughtful, transparent and collaborative with other agencies and the public.
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**On-The-Record Interview with WHO-TV's Dave Price  
Tuesday, August 8th at 11:30 AM – 11:45 AM CDT  
1801 Grand Ave, Des Moines, IA 50309**

Location: WHO-TV: 1801 Grand Ave, Des Moines, IA 50309

Reporter: Dave Price

Outlet: WHO-TV (NBC Affiliate)

Topics: Visit to Iowa, EPA's Back to Basics Agenda, WOTUS

About WHO-TV & Dave Price:

Dave Price is WHO-TV's Political Director, host of the Sunday morning show "The Insiders" and anchors Channel 13 News on weekend evenings. It's difficult to find a local television reporter in the United States who has spent more time covering presidential candidates than Dave. Dave grew up in Belleville, Illinois and is a big fan of the St. Louis Cardinals.

Anticipated Questions:

- What is the purpose of your trip to Iowa and why is WOTUS important to Iowans?
- Will the Trump Administration keep the RFS intact?
- Always ends by asking 5 light questions, which includes things you might like or predications.

Topline Talking Point:

- We are in Iowa to discuss the Waters of the United States, which is referred to as WOTUS. We are evaluating returning power to the states and provide regulatory certainty to our nation's farmers and businesses, pertaining to the issue of WOTUS. This is the first step in the two-step process to redefine 'waters of the U.S.' and we are committed to moving through this re-evaluation to quickly provide regulatory certainty, in a way that is thoughtful, transparent and collaborative with other agencies and the public.
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**On-The-Record Interview Radio Interview with Scott Hennen & Governor Burgum  
Wednesday, August 9th at 9:03 AM – 9:28 AM CDT  
3301 University Drive S – Fargo, North Dakota 58104**

Location: 3301 University Drive S – Fargo, North Dakota 58104

Reporter: Scott Hennen

Outlet: The Flag 1100 AM

Topics: Visit to North Dakota, Carbon Sequestration Wells, WOTUS, Energy Independence and the EPA's Back to Basics Agenda

About Scott Hennen:

Scott Hennen is a conservative radio host in Fargo and a really big supporter of both Governor Doug Burgum and Donald Trump.

Anticipated Questions:

- What is the purpose of your trip to North Dakota and why is WOTUS important to North Dakotans?
- Why did you let North Dakota become the ND could become 1st state to regulate injection wells to store carbon dioxide underground?
- Explain the importance of energy independence and how it will help North Dakota?

Topline Talking Point:

- We are in North Dakota to discuss the Waters of the United States, which is referred to as WOTUS. We are evaluating returning power to the states and provide regulatory certainty to our nation's farmers and businesses, pertaining to the issue of WOTUS. This is the first step in the two-step process to redefine 'waters of the U.S.' and we are committed to moving through this re-evaluation to quickly provide regulatory certainty, in a way that is thoughtful, transparent and collaborative with other agencies and the public.
- North Dakota is one of the top energy producing states in the country and agenda. Unlike the previous Administration, we will roll back job-killing regulations, save American jobs and promote economic growth.
- North Dakotans know better than anyone the needs of their environment, economy, and communities, that's why I look forward to working with Governor Doug Burgum and leaders across the state to protect the environment and jobs.
- The EPA signed a proposed rulemaking to approve North Dakota's application to implement and enforce its own Class VI Underground Injection Control (UIC) program.
- Class VI injection wells are used for long-term storage of carbon dioxide captured from industrial and energy related sources. This action reinforces Administrator Pruitt's



commitment to cooperative federalism, and will help advance carbon capture and sequestration (CCS) technologies.

#### Recent Stories:

##### **ND could become 1st state to regulate injection wells to store carbon dioxide underground.**

"The Environmental Protection Agency administrator announced Tuesday, May 9, he has signed a proposed rule that will allow North Dakota to regulate underground wells to store carbon dioxide, opening the door for new projects to reduce emissions. The long-awaited step from the EPA puts North Dakota on track to become the first state to have regulatory authority over Class VI wells, or injection wells, that can store carbon dioxide deep underground instead of releasing it into the atmosphere." ([ [HYPERLINK "http://www.wday.com/news/north-dakota/4264028-nd-could-become-1st-state-regulate-injection-wells-store-carbon-dioxide"](http://www.wday.com/news/north-dakota/4264028-nd-could-become-1st-state-regulate-injection-wells-store-carbon-dioxide) ], 05/09/17)

**All of a Sudden North Dakota and the EPA Are Getting Along.** "In years past, when I'd talk with colleagues and others from out of state, I'd joke that North Dakota's official pastime is suing the federal government. Because our state does it a lot, and regulations implemented by the Environmental Protection Agency have always been a frequent target. But of late, under the Trump administration, there has been a big shift in our state's relationship with that federal agency. 'The days of coercive federalism are over,' new EPA head Scott Pruitt said earlier this year in a letter to Governor Doug Burgum. Today, in a press release announcing the EPA's proposed approval of a state-run carbon capture and sequestration program for North Dakota, the federal agency touted it as an example of 'cooperative federalism.'" ([ [HYPERLINK "https://www.sayanythingblog.com/entry/sudden-north-dakota-epa-getting-along/"](https://www.sayanythingblog.com/entry/sudden-north-dakota-epa-getting-along/) ], 05/09/17)

#### North Dakota Statements On Carbon Sequestration Wells Application

- **Senator Hoevan's Statement:** "We appreciate Administrator Pruitt moving forward with the state's application to be the primary regulator for Class VI wells. We've worked since 2008 to develop a states-first approach to regulating geological sequestration, which will help our energy industry, both traditional and renewable, to develop new technologies for storing CO<sub>2</sub>. This is important as we work to develop clean coal technologies, as well as projects to sequester CO<sub>2</sub> from ethanol production."
- **Congressman Crammer's Statement:** "Nearly four years after North Dakota first made the request, the EPA – under new management – is finishing its work on the State's application to regulate carbon capture within their state boundaries. As a former North Dakota Public Service Commissioner overseeing environmental programs such as the Surface Mine Coal Reclamation Act, I know first-hand how efficiently and responsibly the State of North Dakota exercises these delegated powers. With the State's expert staff and long history of leading environmental programs, it only makes sense for them to take over as the primary regulator of carbon capture regulations. The announcement today is a victory for our State, and I'm grateful for the Administrator Pruitt's swift action on this request."



**On-The-Record Television Interview with WDAY's Kevin Wallevand (Airs On Evening News)  
Wednesday, August 9th at 8:30 AM – 8:40 AM  
301 South 8th Street; Fargo, ND**

Location: 301 South 8th Street – Fargo, North Dakota

Reporter: Kevin Wallevand

Outlet: WDAY-TV (Largest Television Station in Fargo)

Topics: Visit to North Dakota, Carbon Sequestration Wells, WOTUS, Energy Independence and the EPA's Back to Basics Agenda

About Kevin Wallevand:

Kevin Wallevand has been a Reporter at WDAY-TV since 1983. He is a native of Vining, Minnesota in Otter Tail County. His series and documentary work have brought him to Africa, Vietnam, Haiti, Kosovo, South America, Mongolia and the Middle East. He is an Emmy and Edward R. Murrow award recipient.

Anticipated Questions:

- What is the purpose of your trip to North Dakota and why is WOTUS important to North Dakotans?
- Why did you let North Dakota become the ND could become 1st state to regulate injection wells to store carbon dioxide underground?
- Explain the importance of energy independence and how it will help North Dakota?

Topline Talking Point:

- We are in North Dakota to discuss the Waters of the United States, which is referred to as WOTUS. We are evaluating returning power to the states and provide regulatory certainty to our nation's farmers and businesses, pertaining to the issue of WOTUS. This is the first step in the two-step process to redefine 'waters of the U.S.' and we are committed to moving through this re-evaluation to quickly provide regulatory certainty, in a way that is thoughtful, transparent and collaborative with other agencies and the public.
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regulations. The announcement today is a victory for our State, and I'm grateful for the Administrator Pruitt's swift action on this request."

## WOTUS TOUR: MINNEAPOLIS, MINNESOTA

WOTUS Tour: *Salt Lake City, Utah à Minneapolis, Minnesota à Little Rock, Arkansas*

### **WOTUS TOUR TOPLINE MESSAGES**

- Reviewing WOTUS is a top priority for this Administration.
- This is the first step in the two-step process to redefine 'waters of the U.S.'
- We are committed to moving through this re-evaluation to quickly provide regulatory certainty, in a way that is thoughtful, transparent and collaborative.
- EPA and the Administration are committed to keeping waters pollution free, promoting economic growth and minimizing regulatory uncertainty for Congress, state, local and tribal governments; as well as farmers, ranchers and property owners.
- The 2015 definition developed by the Obama Administration in the Clean Water Rule created regulatory uncertainty, threatened economic growth and did not make our water any cleaner.

### **WOTUS & MINNESOTA**

- The Minnesota Farm Bureau (MFBF) believes the 2015 rule would make remote landscape features that carry only minor volumes of water (if any) or only carry water after a weather event, subject to the Clean Water Act jurisdiction, including ditches and ephemeral drainages.
- The Minnesota Farm Bureau says the 2015 rule uses the unclear concept of ordinary high water mark, as well as bed and bank, as the key identifiers for tributaries.
- 13 county Farm Bureaus in Minnesota also submitted comments, nearly 500 comments were submitted by members in response to calls to action by MFBF and 1,800 signatures from Minnesotans were delivered to EPA opposing the rule.
- The ag industry in Minnesota provides more than 340,000 jobs for Minnesotans. Altogether, the industry contributes \$75 billion to the state's economy annually.<sup>[3]</sup>
- In Minnesota, 38 percent of stream miles within native trout historical range are classified as intermittent or ephemeral. 59 percent of stream miles are in headwater streams. In the Whitewater River basin, 74 percent of streams are intermittent while 60 percent are headwaters.<sup>[4]</sup>

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<sup>[3]</sup> Minnesota Dept. of Agriculture via [ [HYPERLINK "http://www.farmflavor.com/minnesota-agriculture/"](http://www.farmflavor.com/minnesota-agriculture/) ]

<sup>[4]</sup> Trout Unlimited via US Geological Survey [ [HYPERLINK "http://www.tu.org/sites/default/files/minnesota\\_wotus.pdf"](http://www.tu.org/sites/default/files/minnesota_wotus.pdf) ]

### **CERCLA & 108 (b) HARDROCK MINING FINANCIAL ASSURANCE RULE & MINNESOTA**

- We will meet the court deadline of December 1, and take final action by that time.
- I take seriously the concerns that have been raised by our state partners that the proposal is unnecessary and could pre-empt state programs. EPA needs to take into account the work that states are already doing to protect the environment from releases mining facilities, and I have no interest in pre-empting state programs.
- As we move forward, we will be taking into account comments that discuss the unique circumstances of each state – whether it's the strength of existing financial assurance and reclamation rules in states like Nevada to the geology and mining operations that might be unique to a state like Minnesota.

### **PARIS & MINNESOTA**

- Governor Mark Dayton signed onto the U.S. Climate Alliance, a coalition launched after Trump announced that he plans to withdraw the United States from Paris.
- The alliance suggests that in the U.S. the fight against global warming will come from local governments, academia and industry.
- The alliance was formed by Governors Jay Inslee of Washington, Andrew Cuomo of New York and Edmund Brown Jr. of California — states that have their own carbon-reduction strategies.
- Minnesota is one of 10 additional states that signed on, pledging to reduce emissions 26 to 28 percent from 2005 levels.
- Two Republican Governors – Charlie Baker (MA) and Phil Scott (VT) have signed.

### **CERCLA 108 & MINNESOTA**

- I take seriously the concerns that have been raised by our state partners that the proposal is unnecessary and could pre-empt state programs.
- We agree that EPA needs to take into account the work that states are already doing to protect the environment from releases mining facilities, and I have no interest in pre-empting state programs.
- As we move forward, we will be taking into account comments that discuss the unique circumstances of each state – whether it's the strength of existing financial assurance and reclamation rules in states like Nevada to the geology and mining operations that might be unique to a state like Minnesota.
- The comment period closed on July 11, and we received more than 10,000 comments. We are in the process of evaluating them but it looks like we received a lot of thoughtful comments that will guide us.
- EPA is under a court obligation to take final action by December 1, and I have directed my staff that we will meet that deadline.

**On-The-Record Interview with Reuters' Valerie Volcovici**  
**Monday, July 7, 2017 at 4:00 PM – 4:30 PM**

Location: Administrator Pruitt's Office

Reporter: Valerie Volcovici

Outlet: Reuters

Topics: Clean Power Plan, WOTUS, RFS, Paris & Back to Basics Agenda

About Reuters & Valerie Volcovici

Valerie Volcovici is the beat reporter at Reuters who covers the EPA, along with Interior and Energy. Recently, Secretary Zinke talked her about his agenda and that story is included in this packet, along with topline talking points, our RFS press release. There will also be a photographer who will come at the end of the meeting so they have updated pictures.



## TOPICS ...

### **FIRST 100 DAYS:**

- EPA was the poster child for regulatory overreach in the Obama Administration.
- Since being sworn in, I have spearheaded over 22 significant regulatory reform actions.

### **PARIS:**

- The President realized Paris represented a bad deal for this country and he hit it home recognizing an American First strategy: not just in trade, not just in national security, not just in border control, but also issues like environmental agreements which Paris represents.
- When you look back to when Paris was entered into by nations across the globe, there were environmental groups here criticizing the deal – because it didn't hold China, India, the largest polluters in the world accountable.

### **ENERGY INDEPENDENCE EXECUTIVE ORDER:**

- Following the President's Energy Independence EO, I signed four notices to review and, if appropriate, to revise or rescind major, economically significant, burdensome rules the last Administration issued.
- This includes the so-called Clean Power Plan that threatens 400,000 U.S. jobs.

### **OBAMA EPA:**

- When it comes to protecting our water, Flint is why Obama's EPA let us down.
- When it comes to closing down contaminated Superfund sites, we inherited over 1,300 sites; the Obama Administration only cleaned up a handful.
- When it comes to commonsense regulations, the Clean Power Plan and Waters of the United States rule is why Obama's EPA let us down.
- Obama's own administration said they dropped the ball at Gold King Mine. The release resulted in three million gallons of water with acid mine drainage containing heavy metals like arsenic, cadmium, lead, and mercury spilling into the river and turning it yellow.

### **EPA SUCCESSES: NEW LEADERSHIP IS HERE:**

- What environmental successes can the last administration point to?
  - Look at the water problems in Flint, Michigan. Look at East Chicago. The past administration doesn't have much to point to.
- What are we doing? **Getting back to the core, back to the basics.** Let's focus on air attainment, improving the quality of air for our citizens. Let's invest in water infrastructure; actually make cleaning up Superfunds a priority.
- The environmentalists on the left are saying that we are creating an absence of regulation. That isn't true.

## **Interior head says public lands can make U.S. a 'dominant' oil power**

Reuters

Valerie Volcovici

June 19, 2017

[ [HYPERLINK "https://www.reuters.com/article/us-usa-interior-zinke-idUSKBN19A1KG"](https://www.reuters.com/article/us-usa-interior-zinke-idUSKBN19A1KG) ]

Boosting drilling and mining on America's protected federal lands can help the United States become not just independent, but "dominant" as a global energy force, according to Interior Secretary Ryan Zinke, whose agency manages about one-fifth of U.S. territory.

In an interview with Reuters, Zinke outlined his approach to development and conservation in America's wildest spaces, and discussed how that philosophy was guiding his review of which national monuments created by past presidents should be rescinded or resized to make way for more business.

"There is a social cost of not having jobs," the former Montana Congressman and Navy Seal said in the interview on Friday. "Energy dominance gives us the ability to supply our allies with energy, as well as to leverage our aggressors, or in some cases our enemies, like Iran," he said.

Former President Barack Obama, who oversaw a huge increase in domestic energy production during his tenure while strengthening environmental protections, had advocated reducing U.S. dependence on foreign oil.

Obama had also adopted a policy to factor in a "social cost of carbon" emissions from burning fossil fuels - which scientists believe drive global climate change - in making decisions about regulation and land protection.

While total U.S. oil production has risen to near records in the past decade, the share produced on federal land has dropped to a fifth in 2015 from more than a third in 2010, according to federal data from the Department of the Interior.

The administration of President Donald Trump is seeking to sweep away many Obama-era environmental and climate initiatives to bolster the U.S. oil, gas, and coal industries.

### **MONUMENT REVIEW**

Zinke is in the midst of reviewing some 27 national monuments created since the 1990s and covering millions of acres of land mostly in Western states, as part of a plan by the Trump administration to expand development of public land.

Zinke was in New England touring the region's monuments as part of the review.

At least six of those monuments are believed to hold oil, gas, and coal potential. [L8N1J65EW]

Zinke issued his first major recommendation to President Trump on one of the monuments last week, a reduction in the size of the 1.35 million acre Bears Ears National Monument in Utah created by Obama in his last days in office. [L1N1J917V]

Zinke told Reuters he is likely to take a similar approach to the other monuments, including the 4,913 square mile Northeast Canyons and Seamounts Marine National Monument off the coast of Massachusetts – which is roughly three times the size of Montana's Glacier National Park.

It was created by Obama last September to protect whales and newly discovered coral formations.

During meetings with New England-based marine scientists, commercial fishermen and National Parks Service employees last week, Zinke argued that the Interior Department now makes around \$15.5 billion per year less in revenue from offshore drilling than it did in 2008 due to Obama-era restrictions.

Last month Zinke signed an executive order to lift some of those restrictions. He told Reuters he wants increased revenue from offshore to be used to finance a backlog of repairs throughout America's national parks.

He was also in New England to gather input on the Katahdin Woods and Waters National Monument in Maine. He will later tour more monuments in Western states, and offer recommendations on all the monuments to Trump in August.

## **ECONOMY BEFORE ENVIRONMENT**

On the last day of his New England monument tour in Boston, dressed in jeans and a belt with a cowboy style Montana buckle, Zinke met with officials and scientists from the U.S. Fish and Wildlife Service and New England Aquarium, followed by a roundtable discussion with commercial fishermen.

Zinke argued the recent use of the Antiquities Act by presidents to create national monuments exceeded the intent of its creator President Theodore Roosevelt because they block development on too much land around the specific monument sites.

Marine scientists gave Zinke a virtual tour of the Canyons monument at the New England Aquarium, and argued there was a need to preserve the area as a "reference point" to measure the impacts of climate change and overfishing.

Zinke later told Reuters he believed "there are legitimate scientific endeavors and research that are recognized and important (around the site), but there are also recognized livelihoods, fishing jobs that are also important."

During his tour, Zinke also fielded questions about the Trump administration's decision to withdraw from the Paris Climate Agreement, a global pact to fight climate change. Zinke defended the administration's decision, calling the agreement a bad deal for the United States.

Zinke later told Reuters while the U.S. government should find solutions to adapt to changing climate, jobs are a priority. "If you don't have an economy you can't afford to put in the environmental protections you need," he said.

## **EPA Proposes RFS Volumes Reflective of Market Realities for 2018**

Starting Technical Analysis to Inform Future Reset Rules

EPA Press Release

July 7, 2017

WASHINGTON – (July 5, 2017) Today, the U.S. Environmental Protection Agency (EPA) signed a proposed rule setting the minimum amount of renewable fuels that must be supplied to the market in calendar year 2018 under the Renewable Fuel Standards (RFS) program. Today's action proposes volume requirements and associated percentage standards that maintain renewable fuel volumes at levels comparable to the 2017 standards, recognizing limits to the growth of cellulosic and advanced biofuels.

EPA is committed to successfully administering the RFS consistent with the direction entrusted to the Agency by Congress and is on track to meet the November 30th statutory deadline to make today's proposed Renewable Volume Obligations (RVOs) final. The proposed volumes are based on requirements under the law and an analysis of current market dynamics, including energy demand, biofuel production, and market constraints. The proposed standards will help stabilize the renewable fuels program and provide certainty for stakeholders.

"Increased fuel security is an important component of the path toward American energy dominance," said EPA Administrator Scott Pruitt. "We are proposing new volumes consistent with market realities focused on actual production and consumer demand while being cognizant of the challenges that exist in bringing advanced biofuels into the marketplace. Timely implementation provides certainty to American refiners, the agriculture community and broader fuels industry, all of which play an important role in the RFS program."

Some key elements of today's action:

Non-advanced or "conventional" renewable fuel volumes are maintained at the 15-billion gallon target set by Congress.

The biomass-based diesel standard for 2019 would be maintained at the 2018 levels of 2.1 billion gallons.

EPA is beginning technical analysis that will inform a future rule to reset the statutory volumes for cellulosic, advanced, and total biofuels. The law requires this reset when certain conditions are met.

EPA is also taking comment on addressing concerns that some RFS obligations are increasingly met with imported fuel from Brazil, Argentina and Indonesia. Additionally, the Agency is assessing higher levels of ethanol-free gasoline and bolstering an existing memorandum of understanding with the U.S. Commodity Futures Trading Commission (CFTC) to analyze and address a host of market concerns, including the need for increased transparency.

“The Clean Air Act requires EPA to reset volume targets when certain conditions are met. We expect those conditions to be met in the near future, so we are conducting technical analysis now, to inform future reset rules,” said Administrator Pruitt.

#### Proposed and Final Renewable Fuel Volume Requirements for 2014-2019

|   | 2017  | Proposed 2018 | Proposed 2019 |
|---|-------|---------------|---------------|
| Cellulosic biofuel (million gallons):   | 311   | 238           | n/a           |
| Biomass-based diesel (billion gallons): | 2.0   | 2.1*          | 2.1           |
| Advanced biofuel (billion gallons):     | 4.28  | 4.24          | n/a           |
| Renewable fuel (billion gallons):       | 19.28 | 19.24         | n/a           |

\*Biomass-based diesel standard is final for 2018.

For more information on today’s announcement, go to: <https://www.epa.gov/renewable-fuel-standard-program/2017-announcements-renewable-fuel-standard>

### **Gulf of Mexico Program**

- The Gulf of Mexico Program is a non-regulatory program supporting voluntary solutions to protect the health of the Gulf region and maintain its economic viability.
- One of my guiding principles is cooperative federalism – and that’s what this program is all about.
  - EPA provides the funding, and we leave it to the coastal communities, the states, and the regional NGOs on the ground to implement projects that improve water quality standards in the most effective way.
- All of you do a great job implementing this work, while also leading successful businesses. The revenue produced by the Gulf of Mexico is equivalent to the 4<sup>th</sup> largest economy in the world.
- Working with all of you, and the Region 4 office, I’m confident that this program can become a champion for advancing voluntary approaches to regulatory issues faced by the Gulf of Mexico communities.

### **Backwater Pumps**

- I understand the long history surrounding the Yazoo Backwater Pumps, and that this project was subject to a 2008 EPA “veto” consistent with the Agency’s authority under 404(c) of the Clean Water Act.
- EPA supports the goal of providing improved flood protection for the residents of the Mississippi Delta; however, we believe that this vital objective can be accomplished consistent with ensuring effective protection for the area’s valuable natural resources.
- Part of the problem is the administrative process related to flood protection, which can take years and can lead to costly and timely litigation.
- I look forward to hearing your input on how this process can be more efficient.

### **Section 319 Grants**

- I want to applaud your collective ability to leverage Section 319 grants.
  - Your ability to leverage \$114M additional conservation dollars from other sources over the past 20 years has helped to delist streams from the 303(d) list, lift fish advisories for legacy pesticides, and improve fisheries in local lakes and streams.
- This work deserves EPA’s continued support, to fund successful agriculture projects that generate meaningful environmental outcomes.

## **Section 408**

- Repealing the 2015 Waters of the U.S. rule and replacing it with a clear and reasonable rule is one of my highest regulatory priorities. I appreciate the Council's support for our efforts.
- I'm glad to hear that the Corps significantly reduced the number of stream mitigation credits required so that you can move forward with your project to reduce flooding on your land and increasing the efficiency of irrigation. They certainly should not be basing any of their requirements on the 2015 rule, which the agencies are not implementing.
- We are working hard to develop a new definition of "waters of the U.S." within the limits of the Constitution and the law set by Congress. You will see our proposed rule soon.

## **Waste Water Discharge Standards**

- I understand the struggle of rural municipalities to meet the water quality standards associated with some designated uses. While I value the role that water quality standards play in creating fishable and swimmable waters for local residents, those standards should only be used when appropriate.
- I look forward to working with the Mississippi Department of Environmental Quality and the Region 4 office to ensure that all waters bodies in Mississippi have the designated uses that reflect their true function.



## **Talking Points for the Administrator's Meeting with the Mississippi Delta Council**

### **Pollinator Protection and EPA Actions on Neonicotinoid Pesticides**

#### **Background:**

- Pollinator protection is a priority for the EPA, given that bee pollination and insect control are essential to the success of agriculture. The EPA has been actively involved in multiple efforts to promote and increase pollinator protection through regulatory actions, voluntary changes to pesticide use by registrants, and research programs aimed at better understanding the factors associated with declining pollinator health.
- The EPA conducts pollinator risk assessments to support regulatory decisions for new and existing pesticides using the best available science based on a harmonized risk assessment framework, developed collaboratively with Canada's Pest Management Regulatory Authority and the California Department of Pesticide Regulation.
- Neonicotinoids are a class of insecticides which include the active ingredients clothianidin, thiamethoxam, dinotefuran, and imidacloprid. Neonicotinoids are systemic pesticides, which means that bees may be exposed to the chemical through ingestion of plant parts such as pollen or nectar, in addition to direct contact from spray applications. FIFRA registration review for the neonicotinoids began in 2007. To date, the Agency has completed preliminary ecological and human health risk assessments for all neonicotinoid insecticides. The next step is for the EPA to propose interim decisions under the registration review program, which is planned for late 2018. In 2013, the European Union (EU) issued a set of restrictions on three of the neonicotinoids (imidacloprid, clothianidin, and thiamethoxam).

#### **Talking Points:**

- EPA has been working aggressively to protect bees and other pollinators from pesticide exposure. In 2013, the Agency implemented labelling requirements prohibiting the use of certain neonicotinoid pesticides when bees are present. In 2017, the Agency also issued the acute risk mitigation policy that protects bees from agricultural pesticide sprays and dust applications while the bees are under contract to provide pollination services.
- The acute risk mitigation policy also recommends that states and tribes develop pollinator protection plans and best management practices to mitigate exposure to managed bees from acutely toxic pesticides not under contract for pollination services. These plans can establish local and appropriate agreements and best practices for managing needs of agriculture and beekeepers. To date, several states have developed pollinator protection plans. In fact, EPA's decision to encourage state pollinator protection plans was an outgrowth of some of the great collaborations we witnessed with Mississippi's initial engagement with local growers, applicators and beekeepers, as they worked together towards finding local solutions for protecting pollinators.
- The public comment period for the last set of preliminary ecological risk assessments for the neonicotinoids closed in April 2018. In total, for all the assessments, the Agency received just under 1 million public comments. After EPA evaluates all the comments received and completes the revised pollinator assessments, the Agency will consider both risk and benefits information and propose risk mitigation if necessary.
- In April 2018, the European Union voted and enacted a broad ban on all outdoor use of three neonicotinoids. The Agency's understanding is that the ban is based, at least in part, on a

## **Talking Points for the Administrator's Meeting with the Mississippi Delta Council**

recently published European Food Safety Authority (EFSA) risk assessment. It is also the Agency's understanding that the EFSA report does not address risk management, which is a key component of the EPA's pesticide regulatory scheme as required by FIFRA. EPA, which has a different method for risk assessment and risk management than EFSA, will consider any relevant EU data in its pollinator assessments.

- While the EU specifically mentioned neonicotinoids' effect on bees as a major reason for the ban, the prevailing theory among scientists in EPA, USDA and the global scientific community is that the declining health of honey bees is related to complex interactions among multiple stressors. These stressors include: parasites and other pests (e.g., varroa mite), poor nutrition (e.g., loss of foraging habitat), unsustainable bee management practices (e.g., long migratory routes to support pollination services), lack of genetic diversity, and pesticide exposure.
- The Agency is currently evaluating data on the effects of neonicotinoid use on colonies of bees.

U.S. ENVIRONMENTAL PROTECTION AGENCY  
Washington D.C.

**Administrator's Mission to Italy**  
**June 5-13, 2017**

**Roundtable on Sustainable Packaging**

**DATE:** Thursday, June 8, 2017  
**LOCATION:** Lungotevere Thaon Di Revel, 76  
**TIME:** 2:00–3:45 p.m.

**I. Purpose**

- This will be an opportunity to discuss innovations in sustainable packaging with representatives from relevant industries and organizations in Italy.
- The event will be hosted by the Italian National Agency for New Technologies, Energy, and Sustainable Development (ENEA) and the National Consortium for Collection, Recycling and Reuse of Plastic Packaging (COREPLA).

**II. Key Asks or Messages**

- The U.S. Environmental Protection Agency has been a leader in working with the private sector in addressing environmental impacts while reducing costs and generating jobs in the packaging sector.
- EPA has successful partnerships with over 3,500 major corporations, small and medium enterprises, state and local governments, academia, religious affiliates and non-profits in the United States through our sustainable materials management (SMM) Program to enhance our economy and environment.
- Our SMM efforts – providing leadership, engaging partners, amplifying best practices and results, leveling the business playing field and demolishing regulatory barriers to success -- are all directed at strengthening the American economy by preventing this waste from occurring in the first place.
- From wasted food to the built environment, and electronics, EPA works hand-in-hand with our SMM partners like MLB, Wal-Mart, PepsiCo, Dell, Sprint, Sony and Staples to create value for the American people and the American economy.
- In moving forward, it is important that our work produce positive benefits for the economy, the environment, and for workers in our countries.

**III. Participants**

- Tullio Fanelli, Vice Director-General, Italian National Agency for New Technologies, Energy and Sustainable Economic Development (ENEA)
- Antonello Ciotto, Vice President, National Consortium for Collection, Recycling and Reuse of Plastic Packaging (COREPLA)
- Roberto Moribito, Head of Sustainability Department, COREPLA (Roundtable Chair)
- Giuliano Tomassi, Chief Executive Officer, Dow-Italy
- Luigi Capuzzi, Director of Research and Development, Novamont

- Galya Tsonkova, Environmental Manager, Coca-Cola Hellenic
- Other participants [*to be confirmed by U.S. Embassy Rome*]

#### U.S. Embassy

Kelly Degnan, Deputy Chief of Mission and Chargé d’Affaires, U.S. Embassy  
 Caron DeMars, Environment, Science, Technology & Health Counselor (Control Officer)  
 Federica Signoretti, Environment Specialist, U.S. Embassy

#### EPA

- **YOU**
- Ryan Jackson, Chief of Staff
- Jane Nishida, Acting Assistant Administrator, OITA
- Samantha Dravis, Associate Administrator for Policy
- Sarah Greenwalt, Senior Advisor for Water and Crosscutting Affairs, AO
- Mandy Gunasekara, Senior Advisor for Air and Radiation, AO
- Mark Kasman, Director of Regional and Bilateral Affairs, OITA
- Lincoln Ferguson, Deputy Press Secretary

### **IV. Run of Show**

You will hear presentations from member companies (e.g., Coca-Cola) and have an opportunity to comment on the economic benefits, innovation, and role of federal vs states/local governments related to sustainable packaging and benefits to businesses. [*To be confirmed by Embassy Rome*]

### **V. Press:** None

### **VI. Administrator’s Remarks:**

- EPA has successful partnerships with over 3,500 major corporations, small and medium enterprises, state and local governments, academia, religious affiliates and non-profits in the United States through our sustainable materials management (SMM) Program to enhance our economy and environment.
- Our SMM efforts – providing leadership, engaging partners, amplifying best practices and results, leveling the business playing field and demolishing regulatory barriers to success -- are all directed at strengthening the American economy by preventing this waste from occurring in the first place.
- From wasted food to the built environment, and electronics, EPA works hand-in-hand with our SMM partners like MLB, Wal-Mart, PepsiCo, Dell, Sprint, Sony and Staples to create value for the American people and the American economy.
- According to a recent report by my agency, approximately 30 percent of the municipal solid waste in the United States is composed of containers and packaging-related materials, which is over 75 million tons.

- Americans recycled 51 percent of the packaging waste generated in 2014 and most of the amount recycled consisted of cardboard. At the same time, commodities worth \$8.9 billion are landfilled every year in the United States.
- The Environmental Protection Agency has been a leader in working with the private sector in addressing environmental impacts while reducing costs and generating jobs in the packaging sector.
- We look forward to working with G7 countries in various ways on advancing the sustainable management of plastics, such as in the OECD's upcoming Workshop on the Design of Sustainable Plastics in early 2018.
- We believe the OECD sustainable plastics work can help identify strategies for both improving plastic packaging recycling programs and reducing the human and environmental health impacts of plastic trash that escapes recycling streams.
- In moving forward, it is important that our work produce positive benefits for the economy, the environment, and for workers in our countries.

## **VII. Attachments:** Notional Agenda, Participant Biographies



Italian National Agency for New Technologies,  
Energy and Sustainable Economic Development

## **Notional Agenda**

### **Innovation and Sustainable Production – Public Private Dialogue on the Creation of New Jobs and the Opportunities offered by Circular Economy**

#### **Visit of a Delegation of U.S. Environmental Protection Agency (EPA)**

**ENEA Headquarters (\*)**

**8<sup>th</sup> June 2017**

14.00-14.10 Welcome of Tullio Fanelli, *ENEA Deputy Director-General*

#### ***Proposed sequence of interventions to compare U.S. and Italian best practices***

**14.10-14.20 Scott Pruitt, *EPA Administrator***

14.20-14.30 Roberto Morabito, *Head of the Territorial and Production Systems Sustainability  
Department and Chairperson of the Roundtable*

14.30-14.40 U.S. Enterprise (Dow Chemical) *tbc*

14.40-14.50 Italian Enterprise (Novamont)

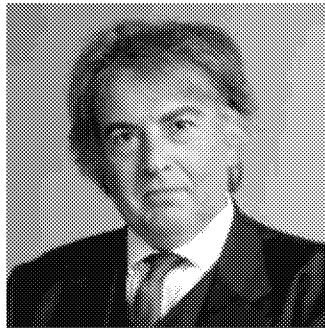
14.50-15.00 U.S. Enterprise (Coca Cola)

15.00-15.10 Italian Enterprise (Consorzio nazionale per la raccolta, il riciclaggio e il recupero  
degli imballaggi in plastica-COREPLA)

15.10-15.45 Bilateral discussion, Conclusions

15.45 End of the visit

(\*) Lungotevere Thaon di Revel, 76 - Rome



**Tullio Fanelli**

**Vice Director-General  
Italian National Agency for New Technologies, Energy  
and Sustainable Economic Development (ENEA)**

Born in Foggia on 25th December 1956, Tullio Fanelli graduated in Nuclear Engineering at Sapienza University in Rome. He worked at ENEA and at the Ministry of Economic Development first as Head of the Technical Operative Secretariat and then as Director-General for Mineral and Energy Resources. He was member of the Italian Regulatory Authority for Electricity Gas and Water (AEEGSI).

In November [ [HYPERLINK "https://it.wikipedia.org/wiki/2011"](https://it.wikipedia.org/wiki/2011) \o "2011" ], he was appointed State Under Secretary at the Italian Ministry of the Environment, Land and Sea during Monti's Government. By decree of 2nd October 2014 of the Ministry of Economic Development he was appointed sub-Commissioner of ENEA.

His major responsibilities include: Member of CERSE (Committee of Experts for Research in the Electricity Sector); President of the Inter-Ministerial Council for Pacific Use of Nuclear Energy; President of the National Committee for the Security of Natural Gas Supply; and President of the Technical Committee for Fuel Distribution Network Restructuring.



**Roberto Morabito**

**Head of Sustainability Department  
Italian National Agency for New Technologies, Energy  
and Sustainable Economic Development (ENEA)**

Dr. Roberto Morabito is a senior scientist and project leader at ENEA (Italian Agency for New Technology, Energy and Environment).

He has been contracting Professor of Quality of measurements in the environmental analysis at several Italian universities.

He has co-ordinated the production and certification of two CRMs and was partner in the certification of about 15 CRMs, within the frame of EU Contracts.

He has been the chairman of many training courses and workshops in the field of quality control of analytical measurements sponsored by the EC (QUACHA, needs for infrastructure and RAP-LRM projects) and others.

He was the organizer and the chairman of international and national interlaboratories campaigns within the frame of EU and Italian Ministry for Research contracts.

He is author or co-author of more than 100 scientific papers in international journals and several book chapters and he has lectured in more than 20 International Conferences and Workshops as invited speaker.





**Antonello Ciotti**

**President of National Consortium for Collection, Recycling  
and Reuse of Plastic Packaging (COREPLA)**

Antonello Ciotti is the Commercial Director of Equipolymers, and General manager of Equipolymers SRL. Equipolymers is a fully owned subsidiary of MEGlobal.

He is based in Milan, Italy

In the Dow Group since 1983, he served in various commercial roles in several locations -- Roma, Padova, Milano, and Horgen (CH). Returning to Italy in 1993, with the role of Sales and Marketing Manager for The Dow Chemical Company's Plastics business. In 1994, Antonello was a member of the due diligence team for the acquisition of 80% of INCA Spa, a leading European manufacturer of PET, from Enichem. After the acquisition, Ciotti led the company as General Manager until 1999 when Dow bought the remaining 20% of the shares and the business became part of the Dow Plastics portfolio.

Antonello Ciotti has served as the Commercial Director for Equipolymers since the formation of the company in 2004.

He represents EQP in European associations such as the Committee of PET Manufacturers in Europe (CPME) as Vice Chairman and deputy for all anti-dumping matters, Plastics Europe, Petcore and COREPLA, the Italian National Consortium for Collection, Recycling and Reuse of plastic packaging.

Antonello has a BS in Engineering from the University of Florence and a MBA degree from the Bocconi University in Milano.



## **Giuliano Tomassi Marinangeli**

### **Chief Executive Officer, Dow-Italy**

Giuliano Tomassi became Chairman and Chief Executive Officer of Dow-Italy in January 2011

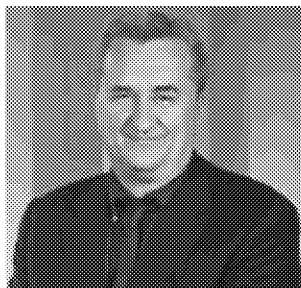
Since joining Dow in 1987, Tomassi held various roles both in Italy and Europe. From 1994 to 2003 he was based in the European Headquarters in Horgen (Zurich) serving as Market Manager. In 2004 he became Commercial Director for Dow Latex and in 2007 he assumed the role of Global Business Director for Paper & Carpet Emulsions until 2008, when he was named Executive Business Development Director for Eastern Europe.

Tomassi is also a Board Member of Federchimica, the Italian National Chemical Industry Association, a member of the Board of Directors of the American Chamber of Commerce in Italy and Chairman of the Justice Group for the Confindustria (Association of Employers) Foreign Investment Committee (CIE).

Tomassi has a Degree in Polymeric Materials Engineering and a Master in Business Administration.

#### ***Dow in Italy***

Dow-Italy, a subsidiary of The Dow Chemical Company, has been present in Italy since 1960. With diversified business activities that combine science and technology, Dow Italy produces or commercializes plastic materials, basic and specialty chemicals and agrochemicals. The Company employs about 700 people in Italy located at the Milan and Bologna offices as well as at five production sites in Correggio, which also houses a global Polyurethanes R&D Center, Fombio, Mozzanica, Mozzate, and Parona. For more information, please visit the website [ HYPERLINK "<http://www.dowchemical.it/>" ].



**Dr. Luigi Capuzzi**

**Director of Research and Development, Novamont**

Luigi Capuzzi was born in Perugia on 10.11.1958 and graduated in Chemistry at Perugia University in 1981. He worked as researcher at Istituto Guido Donegani (Montedison Group) dealing with Synthesis of pheromones, new insecticides and development of new formulations.

In 1995 he became responsible for research and development at Sipcam-Oxon group and Director of the E. Gagliardini Research Center. During his experience at Oxon group he dealt with formulation research, quality assurance, synthesis of agrochemicals and fine chemical intermediates, biochemicals (biofuels, biogas) and management of the intellectual property of the group.

In 2008 he joined Novamont as Director for Research and Development and since 2012 he is also responsible for R&D at Matrica, a joint venture between Novamont and Eni-Versalis for the reconversion of the Porto Torres petrochemical site. He is co-author of more than 40 patent applications and several scientific publications and communications.

**Novamont SpA** manufactures biodegradable materials and bioplastics using renewable agricultural origins. It manufactures Mater-Bi, a family of naturally biodegradable and compostable bioplastics. The company was founded in 1990 and is headquartered in Novara, Italy.

The petrochemical plant at Porto Torres was converted into a €180m innovative green chemistry complex, a 50/50 joint venture between Versalis (ENI) and Novamont. It transforms vegetable oils into bio-products such as bio-plastics, bio-lubricants, and products for household, personal, and health care.



**Galya Tsonkova**

**Environmental Manager, Coca-Cola Hellenic  
Chair of the Global Environmental Council of The Coca-Cola Company.**

Galya graduated from the University for Food Technologies in Plovdiv, Bulgaria and specialized in effective management at New Bulgarian University. She worked for 10 years at different positions on different projects in Nestle Bulgaria. In 2009 she won an award for "Best project in Southeast Europe for process improvement."

Since June 2010 she has been working for Coca-Cola Hellenic Bulgaria.

**Coca-Cola Hellenic Bottling Company**, a leading bottler of Coca-Cola Company products with operations in 28 countries, has pledged to cut absolute emissions across its operations and value chain 25 percent by 2020. Galya Tsonkova, Environment Manager for Coca-Cola HBC, explains: "In the past, companies would set targets without the necessary information or a solid point of reference. They would just pick a round figure and aim for cuts of 20, 30, 40 percent, with no further justification, other than generic aspirations. Now, we have a target that is reviewed and approved by external, credible experts for alignment with relevant scientific methodology. That makes a big difference, both for external stakeholders as well as to our management."

## Questions for Scott Pruitt

**1. Scott, I think it fair to say that you were viewed, and perhaps are still viewed, with a healthy degree of skepticism, if not downright distrust, by the career folks at the EPA when you walked through the door. After all, until recently, you were active in suing the agency you now head. How have the career people responded to you now that you are there, and how have you navigated the difficult path of assuring them that you will continue to do what is necessary to protect the environment, while at the same time cutting back on some of the excesses of past administrations?**

- From day one I made it clear to the career staff at EPA I am not here to pre-judge them, and I asked that they not pre-judge me. I can tell you there is a good group of career staff that work hard and understand the meaning of being a public servant – to serve the public regardless of what political party is in charge. I'm grateful to those who have jumped on board our efforts to bring the agency back to its core mission.
- Sure there have been efforts to curtail our progress or negative comments coming from staff, especially in the regional offices, but I can tell you we are more than 80 days into my leadership at EPA, and the days of pre-judging are over. To those that refuse to get on board and do their jobs, they'll be left behind because we have work to do, and that doesn't include babysitting.

**2. What are going to be your top priorities as EPA administrator?**

- We have a number of priorities we're working on right now. Obviously, what I shared in my remarks about returning the agency to its original purpose. Following the rule of law, process and enhancing our relationships with the states are core principles that make up our priorities.
  - Already you've seen us spearhead more than 22 regulatory reform actions. We want to ensure regulatory certainty to states and industries across the country.
  - Several crucial areas were neglected the past eight years: Superfunds, air attainment, water infrastructure...these are areas you will see real results in the coming months...and areas that have very real effects on people and communities.

**3. The EPA has for years taken a very aggressive stand on how broadly the Endangered Species Act applies, including to species that are both non-commercial and wholly intrastate. Critics have argued that this exceeds the federal government's authority under the Commerce Clause to regulate, a position you were sympathetic to as Oklahoma Attorney General. How do you approach such issues now, and is there any prospect that the EPA will realign its regulatory regime to conform with a more traditional view of the constitutional limitations imposed by the Commerce Clause?**

- Absolutely, and I think you've already seen progress made in this area in regards to the Waters of the United States and Clean Power Plan. The previous EPA treated states as mere vessels of federal will...you'd be amazed at the response we've received from

states by just meeting with them and listening and finding ways to assist them in environmental regulation.

- I've met with more than 25 governors from across the country – both Democrat and Republican...

4. **One issue that came up a lot during the Gorsuch confirmation hearings was the Chevron doctrine, and Senators Mike Lee and Ben Sasse have introduced the Separation of Powers Restoration Act to overturn the Chevron decision. What are your views of the Chevron doctrine? How much deference do you think courts should give to agencies such as the EPA when it comes to interpreting of arguably ambiguous laws as well as their own regulations?**
5. **One hears rumors that there are robust discussions going on behind the scenes on such issues as how to re-write the Waters of the United States Rule in the Clean Water Act, whether and how to cut back on costly ethanol mandates and greenhouse gas emission limits, and whether to withdraw from the Paris Climate Agreement. What insights can you offer to us about that process is going and, without naming names, what concerns are people raising during those discussions?**
6. **Can you provide a few examples of EPA environmental regulations that you think are necessary to achieve the goals of the environmental protection laws and some examples of EPA regulations that may not be necessary to achieve those goals?**

## TALKING POINTS

Week of April 9, 2017

### Topline Messages

- In less than two months on the job, we have a large list of accomplishments that include working with state and local leaders, working with President Trump on rolling back Obama's overreach, examining costly regulations, cleaning up the environment, allocating funds for vital environmental projects and making decisions based on sound science.
- Sacrificing our economy for incremental benefits is no longer the direction of the agency.
- The previous administration abused the regulatory process to advance an ideological agenda that expanded the reach of the federal government often dismissing the technological and economic concerns raised by the regulated community.
- We are undergoing extensive reviews of the misaligned regulatory actions from the past administration.

### Accomplishments

*Background: In our opinion, Administrator Pruitt has accomplished more in 50 days than what Ms. Jackson accomplished in four years. Mostly because the Obama White House ignored her policies – while Trump has embraced our policies to focus on items that would help the economy.*

- In less than two months on the job, we have a large list of accomplishments that include working with state and local leaders, working with President Trump on rolling back Obama's overreach, examining costly regulations, cleaning up the environment, allocating funds for vital environmental projects and making decisions based on sound science.
- In my first week, I met with 18 governors and lieutenant governors, putting into action my promise of an open door policy and a new beginning of partnership with the states. And, I sent letters to governors advising them that they are under no obligation to adhere to the Clean Power Plan rule.

- With President Trump, we issued an order to rescind the so-called Clean Power Plan and are in the process of rescinding or revising the 2015 Water of the United States rule.
- We are already examining costly regulations, including the emission standards for cars and light-duty trucks, the RMP amendments for chemical facilities, and we are extending the comment period on the Hard Rock Mining proposed rule that could cost businesses \$171 million a year.
- We are actively and aggressively working to clean up Pompton Lake, and Superfund sites in West Oakland and East Chicago.
- We are allocating funds for vital projects. We awarded \$100 million to upgrade drinking water in Flint, have committed additional funds to help Colorado and Utah clean up around the Gold King Mine area, awarded \$380,000 for an abandoned uranium mine study and awarded over a \$1 million DERA grant to the historic Gees Bend Ferry in Alabama. This particular project will be the first zero-emission passenger/vehicle ferry of this type in the U.S., and only the second of its kind in the world.
- We are making decisions based on sound science, not pressure from activists. I signed an order denying a petition that sought to ban the pesticide chlorpyrifos, because the study used to justify the ban wasn't scientifically sound, and would have taken away a pesticide that American farmers rely on to grow America's crops.

### **Ground-level Ozone/NAAQS**

*Background: D.C. Circuit has granted our motion to delay oral argument in the ozone NAAQS challenge litigation.*

- We're pleased the Court has allowed the Agency to continue its close review of the ozone NAAQS issued in 2015 to determine whether EPA should reconsider the rule or some part of it. The Court's order will allow the Agency's orderly review process to continue without needlessly expending resources of all of the parties involved in the case, and we look forward to advising the court of the status of the Agency's review.



- We just want to make sure we understand the facts and try to understand if the regulated community can comply in a way that doesn't unduly punish them.
- At this time, all we did was request that the court grant EPA additional time to ensure we can continue this thorough and deliberative process.

### **Cooperative Federalism**

*Background: Amidst the commitment to cooperative federalism, some have questioned if the proposed EPA budget cuts (including cuts to state funds) are inconsistent with the desire to return authority over environmental protection to the states.*

- EPA is evaluating different approaches to implementing the President's budget that would allow us to effectively serve the taxpayers and protect the environment. We want to partner with the states to ensure a thoughtful approach is used to maximize every dollar.
- EPA's commitment to cooperative federalism means the Agency is committed to working with states, municipalities, and tribal and private-sector partners to make sure the Agency is delivering on the shared commitment of a clean and healthy environment.
- EPA will make sure that states are active partners in the implementation, enforcement and development of environmental statutes.

### **Protestors**

- We welcome those with differing opinions, but encourage respectful and appropriate dialogue about ways that we can work together.
- In fact, differing views and opinions on scientific and technical matters is a legitimate and necessary part of EPA's decision-making process.

## **Career Staff Disagreements with Administration Policies**

*Background: Media have been reporting on memos that were drafted by career staff who disagree with the direction of the Agency under the Trump Administration. NOTE: We don't comment on political memos or letters from employees, but the following can be used to discuss how political staff 'ignored' staff scientists recommendations on chlorpyrifos or HONEST Act, etc.*

- Differing views and opinions on scientific and technical matters is a legitimate and necessary part of EPA's decision-making process. Our process involves seeking input from a variety of stakeholders – both in the agency and among the public – and then we make a decision based on sound science.
- The previous administration abused the regulatory process to advance an ideological agenda that expanded the reach of the federal government, often dismissing the technological and economic concerns raised by the regulated community.

## **Regulatory Reform Memo**

*Background: A memo discussed the development of a 'task force' to review agency regulations was leaked to the press.*

- We are working with EPA colleagues throughout the country to understand how to best provide relief to everyday Americans who have suffered under unnecessary, and often ineffective, regulation.
- Americans understand that we don't need to create regulation, for the sake of regulation. Sometimes regulations don't work, and sometimes they actually kill jobs. And sometimes, such as in the case of the Clean Power Plan, regulations never go into effect because they are so poorly crafted that they are actually unlawful.
- Americans want to protect the environment and human health, and so does EPA. But, regulatory reform is about finding the most efficient and effective way to regulate.

## **Budget**

*Background: This week, there were many questions about the status of particular programs. We stuck with the main budget talking point, and did not get into specifics about particular programs. With the ENERGY STAR awards ceremony coming up, we had to respond to questions about why we would hold the dinner for a program that is currently zeroed out in the budget.*

- EPA is evaluating different approaches to implementing the President's budget that would allow us to effectively serve the taxpayers and protect the environment. While many in Washington insist on greater spending, EPA is focused on greater value and results. The EPA will partner with the states to ensure a thoughtful approach is used to maximize every dollar to protect our air, land, and water.
- We are still working through future plans for the Energy Star program. The Annual Gala this year was planned long before the release of the President's Blueprint for the Budget. EPA will continue to find ways to partner with stakeholders in the private sector to innovate, improve our environment, and strengthen our economy.

## **Jobs Tour**

*Background: This week's visit to a Pennsylvania Mine will be the launch of 'EPA's Back to Basics' agenda. We are working with local partners to increase positive media coverage of the tour, including local op-eds and outreach to friendly reporters.*

- I am visiting the Harvey Mine in Sycamore, Pennsylvania to kick-off our Back to Basics agenda, which coincides with our efforts to refocus EPA on its intended mission, return power to the states and create an environment where jobs can grow.
- The coal industry was nearly devastated by years of regulatory overreach, but with new direction from President Trump, we are turning things around for our country's miners, and for many other hard working Americans.
- The President's Energy Independence Executive Order directs EPA, and other federal agencies, to review the Clean Power Plan, and revise

regulatory barriers that impede energy independence, including unnecessary burdens on coal miners and coal-fired electric utilities.

- We are committed to working with states, municipalities and tribal and private-sector partners to make sure the Agency is delivering on the shared commitment of a clean and healthy environment.

### **Climate Mitigation Office**

*Background: The closing of the climate mitigation office was overblown, with press asking questions about 40+ employees getting laid off. Only three people were being moved to work on other issues.*

- EPA currently monitors these changes in climate and our environment in general, in close collaboration with state officials. EPA regional officials have taken on much of this work, from dealing with the problems associated with sea level rise and working with utilities to reduce greenhouse gases, which are regulated under the Clean Air Act.

### **Climate Change**

- Science tells us the climate is changing. The ability to accurately measure and pinpoint the extent of the problem and the impact it may have remains uncertain, and there ought to be an open, respectful and constructive debate about it.

Message

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**From:** Bennett, Tate [Bennett.Tate@epa.gov]  
**Sent:** 4/6/2017 7:02:51 PM  
**To:** Dravis, Samantha [dravis.samantha@epa.gov]; Ferguson, Lincoln [ferguson.lincoln@epa.gov]  
**Subject:** RE: ECOS Meeting

Something to add in, where you can Lincoln. Thoughts, Sam? BTW I'm terrible with words, so no judging!

As EPA Administrator, I have met with the President multiple times to discuss ways we can reign in regulatory overreach. Just this week, the President appointed me to his infrastructure task force as environmental permitting is one of the top impediments to addressing our nation's crumbling infrastructure.

On this task force, I will be working collaboratively with members of ECOS so I can relay to the President your views on how best to address the challenges facing our nation's drinking and wastewater systems. That is how government is supposed to work—states, who are on the frontlines of our nation's challenges—should be able to work collaboratively with the federal government in finding solutions.

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**From:** Dravis, Samantha  
**Sent:** Thursday, April 6, 2017 2:03 PM  
**To:** Bennett, Tate <Bennett.Tate@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>  
**Subject:** RE: ECOS Meeting

Thanks.

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**From:** Bennett, Tate  
**Sent:** Thursday, April 06, 2017 1:54 PM  
**To:** Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>  
**Subject:** RE: ECOS Meeting

Sam, unless you already did so, I can put something together on infrastructure (know you are busy)/ include it in body of an email for you to edit. Standby.

---

**From:** Ferguson, Lincoln  
**Sent:** Thursday, April 6, 2017 12:16 PM  
**To:** Bennett, Tate <Bennett.Tate@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>  
**Subject:** RE: ECOS Meeting

Attached is what I have so far. If you get a chance will you take a look and make any edits necessary. If you can add some text about infrastructure and brownfields that would be much appreciated.

Thanks,  
LF

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**From:** Bennett, Tate  
**Sent:** Thursday, April 6, 2017 9:26 AM  
**To:** Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>; Ferguson, Lincoln <[ferguson.lincoln@epa.gov](mailto:ferguson.lincoln@epa.gov)>  
**Subject:** RE: ECOS Meeting

Perfect. Thanks all!

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**From:** Dravis, Samantha  
**Sent:** Thursday, April 6, 2017 9:22 AM  
**To:** Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>; Ferguson, Lincoln <[ferguson.lincoln@epa.gov](mailto:ferguson.lincoln@epa.gov)>  
**Subject:** RE: ECOS Meeting

These are all good, and it may be obvious but focusing on the importance of cooperative federalism and the states, and by extension ECOS.

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**From:** Bennett, Tate  
**Sent:** Thursday, April 06, 2017 9:21 AM  
**To:** Ferguson, Lincoln <[ferguson.lincoln@epa.gov](mailto:ferguson.lincoln@epa.gov)>; Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>  
**Subject:** RE: ECOS Meeting

Defer to Sam, but I would say POTUS Infrastructure plans, NAAQS, Superfund, Brownfields, CPP, one or two lines acknowledging the budget. Also, we might want to clarify his narrative on state drinking water revolving funding-- happy to chat more offline there.

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**From:** Ferguson, Lincoln  
**Sent:** Thursday, April 6, 2017 9:10 AM  
**To:** Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>; Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>  
**Subject:** ECOS Meeting

Any specific issues he should highlight tomorrow in his ECOS speech? I'll send you a draft of his remarks later today.

**Lincoln Ferguson**  
Office of Public Affairs  
(202) 564-1935  
U.S. EPA

## **ECOS Questions for Administrator Pruitt**

### **For ECOS All-Commissioner Call**

**March 21, 2017 3-3:30 PM**

#### **General Priorities:**

1. What do you see as your top 3 priorities in the next 6 months?
2. Can you share with us any information on plans/timing for appointment of Regional Administrators or nomination of key positions like Assistant Administrators?

#### **Budget:**

**Deliberative Process / Ex. 5**

#### **State Authority & Consultation:**

5. What steps will you take to make delegation of primacy to states for programs like Underground Injection Control and assumption of the Clean Water Act Section 404 program (where there has been a difference of opinion between the Corps and EPA on assumption, with EPA favoring and the Corps putting up roadblocks)?

**Deliberative Process / Ex. 5**

# **Deliberative Process / Ex. 5**

Clean Water Act Section 404:

# **Deliberative Process / Ex. 5**

6. How do you plan to consult with states on next steps for the Waters of the U.S. Rule?

# **Deliberative Process / Ex. 5**

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## **Deliberative Process / Ex. 5**

7. ECOS is generally opposed to the “sue and settle” approach where consent decrees may impose deadlines and obligations on state agencies without allowing them to weigh in before agreeing to a proposed consent decree. Can you discuss any ideas you are looking at to help ensure that states at least have a role in these settlement discussions?

## **Deliberative Process / Ex. 5**

# **Deliberative Process / Ex. 5**

## **Regulatory Reform:**

8. Having spent a considerable amount of time identifying state rules that are unnecessary or outdated, we've learned that eliminating regulations is sometimes more difficult than creating them. How is EPA designing its 2 for 1 process? Would you consider involving states and the regulated community in the design of the 2 for 1 process?

# **Deliberative Process / Ex. 5**

# **Deliberative Process / Ex. 5**

**Infrastructure:**

# **Deliberative Process / Ex. 5**

## **Deliberative Process / Ex. 5**

10. The federal permitting process for environmental and infrastructure improvement projects has a poor reputation. What role can EPA play to reduce the frustration of trying to obtain these permits?

## **Deliberative Process / Ex. 5**

### **Research:**

11. What is the role of research going forward at EPA? Are you aware of the State Research Priorities Needs and what steps can we take to align EPA research to answer state questions?

## **Deliberative Process / Ex. 5**

# **Deliberative Process / Ex. 5**

## Administrator Talking Points for ECOS Meeting

OGC Draft (March 17, 2017)

### State Authority & Consultation Question from ECOS:

- ECOS is generally opposed to the “sue and settle” approach where consent decrees may impose deadlines and obligations on state agencies without allowing them to weigh in before agreeing to a proposed consent decree. Can you discuss any ideas you are looking at to help ensure that states at least have a role in these settlement discussions?

### Top-Line Talking Points

**Deliberative Process / Ex. 5**

### Second-Tier Talking Points

**Deliberative Process / Ex. 5**

# **Deliberative Process / Ex. 5**

Background on Current Practice

# **Deliberative Process / Ex. 5**

# **Deliberative Process / Ex. 5**



## **ECOS Questions for Administrator Pruitt**

### **For ECOS All-Commissioner Call**

**March 21, 2017 3-3:30 PM**

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1. What do you see as your top 3 priorities in the next 6 months?
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**Deliberative Process / Ex. 5**

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**Deliberative Process / Ex. 5**

## **Deliberative Process / Ex. 5**

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## **Deliberative Process / Ex. 5**

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8. Having spent a considerable amount of time identifying state rules that are unnecessary or outdated, we've learned that eliminating regulations is sometimes more difficult than creating them. How is EPA designing its 2 for 1 process? Would you consider involving states and the regulated community in the design of the 2 for 1 process?

# **Deliberative Process / Ex. 5**

# **Deliberative Process / Ex. 5**

## **Infrastructure:**

9. Environmental infrastructure spending is an abundantly obvious solution to much of our environmental challenges. What steps will the Administrator take to improve our infrastructure?

# **Deliberative Process / Ex. 5**

## **Deliberative Process / Ex. 5**

10. The federal permitting process for environmental and infrastructure improvement projects has a poor reputation. What role can EPA play to reduce the frustration of trying to obtain these permits?

## **Deliberative Process / Ex. 5**

### **Research:**

11. What is the role of research going forward at EPA? Are you aware of the State Research Priorities Needs and what steps can we take to align EPA research to answer state questions?

## **Deliberative Process / Ex. 5**

# **Deliberative Process / Ex. 5**

**State Authority & Consultation:**

**1. What steps will you take to make delegation of primacy to states for programs like Underground Injection Control and assumption of the Clean Water Act Section 404 program (where there has been a difference of opinion between the Corps and EPA on assumption, with EPA favoring and the Corps putting up roadblocks).**

**Safe Drinking Water Act Underground Injection Control Program**

- The Underground Injection Control Program provides safe and cost effective means for industries, municipalities, and small businesses to dispose of wastes, recover resources, and store fluids.
- Nearly 1 trillion gallons of wastes are disposed of through UIC wells in the U.S. each year.
- Through a review and approval process, EPA grants primary enforcement authority, often called primacy, to states, territories, or tribes that meet the requirements to implement a UIC program.
- Thirty four states and three territories have EPA approved primacy programs for well classes I, II, III, IV and V. Additionally, seven states and two tribes have applied for and received primacy approval for Class II wells only.
- EPA most recently approved primacy for the State of Tennessee for Classes I-V in 2015, and for Kentucky for Class II wells, which takes effect on March 21, 2017. EPA continues to encourage and assist states applying for primacy for all well classes.
- EPA has worked closely with states, USGS, and DOE to help minimize the potential for earthquakes induced by underground injection – an important issue in Oklahoma and Kansas and other states.



## Clean Water Act Section 404

It is my understanding that EPA has consistently supported state efforts to assume permitting responsibility of the CWA section 404 program and I remain committed to supporting this and other opportunities for collaborative federalism. EPA headquarters and regional staff stand ready to assist states interested in taking on the responsibilities of this program and also to remove any perceived barriers.

For example, I understand that states have identified the lack of clarity regarding which waters they would assume CWA section 404 permitting responsibility as a barrier to not only assuming the program responsibilities but also effectively evaluating whether they wish to pursue administration of the program. In 2015, EPA established a FACA subcommittee to seek input on how to clarify this question. It is gratifying to see the states so well-represented on that group.

On April 17th, the FACA subcommittee on Assumable Waters will meet to finalize their recommendations to NACEPT on how EPA could provide clarity on this important issue. I look forward to receiving the recommendations from NACEPT and considering how EPA can clarify for which waters the state would assume permitting responsibility and which the USACE would retain this CWA permitting authority. Providing clarity would remove this state identified “barrier.”

I am pleased to commit EPA to continue its efforts to provide clarity on this issue, to actively work with those states seeking to assume the program, and to remove barriers wherever we have the authority to do so.

### Additional Background on Assumable Waters Subcommittee and NACEPT

#### *About the Assumable Waters Subcommittee*

The Assumable Waters Subcommittee has been convened under the National Advisory Council for Environmental Policy and Technology (NACEPT) to provide advice and recommendations on how the EPA can best clarify which waters a state or tribe assumes permitting responsibility for under an approved Clean Water Act (CWA) section 404 program.

CWA Section 404 establishes a program to regulate the discharge of dredge and fill material into waters of the United States. Currently the U.S. Army Corps of administers the program in 48 states. The CWA allows states and tribes to assume the administration of the 404(g) program. No tribes and only two states have assumed these permitting responsibilities to date. If a state or tribe is considering assuming such responsibilities, among the first questions that needs to be answered is for which waters will the state or tribe assume permitting responsibility and those waters the U.S. Army Corps of Engineers will retain permitting authority.

States have raised concerns to the EPA that section 404 of the CWA and its implementing regulations lack sufficient clarity to enable states and tribes to estimate the extent of waters for which they would assume permitting responsibility and thus estimate the associated implementation costs.

The EPA fully supports states and tribes assuming permitting responsibilities for the aquatic resources under their jurisdiction. Per the states' request for clarity, the EPA has established the Assumable Waters Subcommittee.

### *NACEPT*

The U.S. Environmental Protection Agency established the NACEPT in 1988 to provide independent advice to the EPA Administrator on a broad range of environmental policy, technology and management issues. The NACEPT is a federal advisory committee chartered under the Federal Advisory Committee Act (FACA).

EPA recognizes that a vast array of environmental policy expertise exists outside the Agency in the public, private and non-profit sectors. NACEPT helps EPA access the knowledge, expertise, and experience that would otherwise be unavailable to the Agency. NACEPT provides a cost-effective and flexible forum that can quickly respond to continually evolving policy challenges. The Assumable Waters Subcommittee is one of several subcommittees under NACEPT.

### **State Authority and Consultation**

#### **2. How do you plan to consult with states on next steps for the Waters of the U.S. Rule? (OWOW)**

I am committed to engaging with states as we move forward with our efforts on a Waters of the U.S. rulemaking.

On February 28th the President signed the “Executive Order on Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the “Waters of the United States” Rule.

- The EO calls on the EPA Administrator and the Assistant Secretary of the Army for Civil Works to review the final Clean Water Rule and “publish for notice and comment a proposed rule rescinding or revising the rule...”
- The EO says that EPA and the Army Corps “shall consider interpreting the term “navigable waters” in a manner “consistent with Justice Scalia’s opinion” in Rapanos. The Scalia standard indicates CWA jurisdiction includes relatively permanent waters and wetlands with a continuous surface connection to relatively permanent waters.

It is important that stakeholders and the public at-large have certainty as to how the Clean Water Act applies to their activities.

- Through new rulemaking, the EPA and the Army seek to provide greater clarity and regulatory certainty concerning the definition of “waters of the United States,” consistent with the principles outlined in the Executive Order and the agencies’ legal authority.

Shortly after the EO was issued, EPA took two actions:

- First, we published a Federal Register notice on March 6th entitled “Intention to Review and Rescind or Revise the Clean Water Rule.” The notice announces EPA’s and Army’s intention to review and rescind or revise the 2015 Clean Water Rule, consistent with Scalia’s standard.
- Second, at EPA’s request, on March 6th the Department of Justice advised the Sixth Circuit Court of Appeals that the Agencies intend to consider rescinding or revising the Clean Water Rule. The notice is called for by the EO and is appropriate because of the ongoing CWR-related litigation currently before that Circuit.

We now are beginning the rulemaking process, jointly with the Army Corps of Engineers.

- We are moving as quickly as we can to develop a proposed rule for public review and comment, consistent with applicable laws.
- I am interested in hearing from states as we work to develop a rule that will provide appropriate protections for our waterbodies and encourage a robust role for states.

Some have asked about the impact of the Executive Order on how the agencies determine jurisdictional waters today.

- The EO and Federal Register notice have not altered the definition of “waters of the US” or how we implement CWA programs.
- For now, we should continue to operate as we have under the stay issued by the Sixth Circuit Court of Appeals in October 2015.

That means we are using the prior regulatory definition of “waters of the US,” as clarified by the January 2003 and December 2008 Guidance documents, when we need to determine if a water is jurisdictional or not.

Additional Background: see attached, WOUS FR notice (pdf)

## **Infrastructure:**

### **1. Environmental infrastructure spending is an abundantly obvious solution to much of our environmental challenges. What steps will the Administrator take to improve our infrastructure?**

The nation's drinking water and wastewater infrastructure is critical for protecting public health and supporting and sustaining economic development.

The implications of aging and deteriorating infrastructure can be felt nationwide

- Over 200,000 water main breaks occur in the U.S. annually, increasing threats from contaminated drinking water, impacting local economies, and leading to the loss of approximately \$2.6 billion of treated drinking water.
- Billions of gallons of raw sewage also are discharged annually into local surface waters from aging wastewater conveyance systems, exposing citizens and impacting local businesses.

#### Infrastructure Finance- State Revolving Fund Programs:

- The Clean Water State Revolving Fund (CWSRF) and Drinking Water State Revolving Fund (DWSRF) have been very successful at addressing important water quality and public health needs of communities across the country. They are impressive models of cooperative federalism.
- These robust programs have done a remarkable job in delivering low cost financial assistance to communities across the country, helping them pay for much needed water infrastructure.
- The SRFs have provided more than \$150 billion in financial assistance to water and wastewater infrastructure projects.
- Last year alone the SRFs provided more than \$10 billion in assistance (\$7.6 B CWSRF and \$2.5 B DWSRF).
- The President's FY18 budget continues strong federal support for these programs.

#### Infrastructure Finance – WIFIA and Water Finance Center:

- The Water Infrastructure Finance and Innovation Act (WIFIA) program will supplement the existing SRF programs and accelerate water infrastructure investment by providing an additional source of low-cost, long-term capital, in the form of direct loans, to larger-scale projects.

- The WIFIA program aims to attract private participation, encourage new revenue streams for infrastructure investment, and allow public agencies to get more projects done with fewer federal dollars.
- Recently appropriated funding from Congress has positioned the WIFIA program to select projects this year for its first round of loans.
- The recent \$20 million appropriation will allow WIFIA to extend approximately \$1 billion in credit assistance to projects. This would result in about \$2 billion in total infrastructure investment, because borrowers must identify other funding to cover 51% or more of total project costs.
- EPA is accepting letters of interest for its initial round of WIFIA credit assistance until April 10, 2017.
- The FY18 President's budget requests \$20 million in funding for this new program.
- The Water Finance Center provides financial and technical support in a collaborative manner to help our communities and states find solutions to financing water infrastructure projects and increase the efficiency and effectiveness of water infrastructure funding.

#### Background

- Based on our most recent needs surveys undertaken collaboratively with states, over \$655 billion is needed for drinking water and wastewater infrastructure improvements over the next five to twenty years.
- EPA is working on the Sixth Drinking Water Infrastructure Needs Survey and Assessment (DWINSA) report to Congress.
- The results of this survey will determine how EPA distributes DWSRF grants to the primacy agencies starting in 2018 and through 2021.
- EPA plans to release the report this year.

#### **Infrastructure**

**2. The federal permitting process for environmental and infrastructure improvement projects has a poor reputation. What role can EPA play to reduce the frustration of trying to obtain these permits?**

Through many years of experience in implementing the NPDES permitting program, EPA and the states have developed a streamlined permitting process for projects needing a construction site stormwater discharge permit (typically the only type of NPDES permit required for environmental and infrastructure improvement projects). Almost all states have authorized NPDES construction stormwater permitting programs, and provide permit coverage for construction sites under a general permit format which is designed to protect water quality and avoid needless delays.

A Construction General Permit or CGP provides a streamlined permitting process that allows for the permitting of thousands of projects per month. Eligible construction projects obtain CGP coverage by submitting to the permitting authority a Notice of Intent (NOI) form. Upon submittal of the NOI, projects are typically provided automatic permit coverage after the end of the waiting period established by the permitting authority (typically within 14 days). After permit coverage is provided for a project, it remains covered until active construction is completed and the site has been stabilized.

EPA is interested in listening and learning from our co-regulators and permittees ideas for ensuring that the NPDES permitting process is streamlined for these projects while ensuring that water quality standards are being achieved.

Background:

Section 402(p) of the CWA provides EPA with the authority to regulate stormwater discharges from a number of sources under the National Pollutant Discharge Elimination System (NPDES) permit program. Through this authority, EPA and authorized state permitting authorities regulate stormwater discharges from construction activities disturbing one or more acres of land. See 40 CFR 122.26(b)(14)(x) and 122.26(b)(15)(i). In most cases, these permits are granted by authorized state programs, not directly by EPA. The goal of the construction stormwater permitting program is to minimize the discharge of pollutants in stormwater runoff from construction activities. EPA's stormwater permits achieve this goal by requiring sites to install and implement stormwater controls or best management practices (BMPs) that are effective at minimizing erosion and sediment discharges, reduce or eliminate other pollutant discharges, and stabilize the site as soon as practicable.

**Talking Points for Administrator Pruitt**  
**Building America's Water Infrastructure in the 21<sup>st</sup> Century**  
**US WATER PARTNERSHIP, March 22, 2017**  
**9:45 AM to 10:10 AM**

## **INTRODUCTION**

- Water and sanitation are two issues important not only to human health and the environment, but also to peace, security, and economic growth.
- By 2025, two-thirds of the world's population will be living under water stressed conditions, including almost two billion people not having enough water to meet human, industrial and ecosystem needs
- Today more than 2.4 billion people still lack access to improved sanitation and at least 663 million do not have access to an improved water source. Poor sanitation, water, and hygiene lead to about 675,000 premature deaths annually and estimated annual economic losses of up to 10% of GDP in some countries. This is a particular challenge for women and girls.
- The lack of water, increasing pollution, and over-extraction of groundwater are becoming major impediments to meeting basic needs, responding to increasing food and energy production, and maintaining critical ecosystems.
- Water-related events, including floods and droughts, account for 90% of all the world's natural disasters. More than 80 percent of the world's wastewater is returned back into the environment without any treatment.
- Globally, investment in water security falls short of needs, and the impacts on communities, economies and the environment are still significant. The OECD projects that in the years ahead more than 40% of the world's population is likely to be living in river basins under severe water stress; and 20% of the population will be at risk from floods. The economic value of assets at risk is expected to more than triple to USD 45 trillion between 2010 and 2050.
- Plainly, efforts are needed to protect populations, cities, economies and ecosystems from water-related risks - risks of droughts, floods, pollution, inadequate access to safe drinking water supply and sanitation, and degradation of water-dependent ecosystems. The challenges are made more urgent due to population growth, urbanization, and increasing food demand.

- According to the World Bank, low and middle income countries face a \$1 trillion infrastructure gap, capital investment needs to triple, and operation and maintenance costs will be commensurately higher.
- Improving the effectiveness of financial systems in mobilizing capital for investment in water security therefore requires urgent attention and action. Moreover, individual investments and projects must form part of a robust pathway towards a resilient water management system if the multiple benefits of water infrastructure are to be achieved cost-effectively.
- To continue to meet the infrastructure financing challenge, donors are going beyond public financing and increasing their engagement with private sector investors. Policy and institutional reforms are critical to the success to attract private capital. Countries need predictable policies, enforceable laws and a business-friendly institutional orientation that facilitate greater private sector investment.
- Water is so fundamental to our diplomatic and development goals - including health, economic growth, food security, gender equality, and conflict mitigation. We know that when managed well, water allows economies to thrive and children to grow up healthy. Water security can also build peaceful cooperation between neighbors.
- Water security requires global cooperation to ensure people have the water they need, where they need it, when they need it, reliably and sustainably. That's why we're bringing together the best of American knowledge and ingenuity to scale-up integrated water resources management solutions around the world.
- The U.S. Water for the World Act of 2014 focuses on efficiency, effectiveness, and transparency, bringing U.S. leadership on global water and sanitation issues to the mission of helping to save lives.
- On this World Water Day, the United States wants to reiterate our commitment to clean and safe water, and we encourage other countries to be part of the effort to prioritize water and sanitation and sound water resources management so that together we can save water and save lives.

## **INFRASTRUCTURE**

- I am committed to working with Congress to ensure that water infrastructure grants are effectively used to help secure and provide safe water for Americans.
- Investments in water systems not only provide assurances of continued delivery of safe drinking water to American homes, schools, and places of business; they are key to local economies across the United States.



- We should celebrate our progress, but also recognizing that there's more work to be done.
- The nation's drinking water and wastewater infrastructure is critical for protecting public health and supporting and sustaining economic development.
- Like other critical infrastructure, our drinking water and wastewater facilities have suffered from inadequate replacement and repair rates, which must be addressed even as they are facing new challenges to accommodate demand changes, deal with legacy toxins such as lead, and emerging threats from pathogens and contaminants.
- Across the nation these challenges impact the ability to provide safe drinking water, manage wastewater, reduce flooding, and ensure swimmable, fishable waters.
- Over 200,000 water main breaks occur in the U.S. annually, increasing threats from contaminated drinking water, impacting local economies, and leading to the loss of approximately \$2.6 billion of treated drinking water.
- Billions of gallons of raw sewage are discharged annually into local surface waters from aging wastewater conveyance systems, exposing citizens and impacting local businesses
- The American Society of Civil Engineers (ASCE) recently released its [ [HYPERLINK "http://infrastructurereportcard.org" \t "\\_blank"](http://infrastructurereportcard.org) ], giving overall infrastructure in the United States a cumulative grade of "D+". On the water side, wastewater scored a "D+" while drinking water received a "D".
- Based on our most recent surveys undertaken collaboratively with states, over \$655 billion is needed for drinking water and wastewater infrastructure improvements over the next twenty years.
- Meeting these water needs through expanded infrastructure investments is one of my top priorities.
- EPA helps support water infrastructure investments through the Clean Water State Revolving Fund (CWSRF), the Drinking Water State Revolving Fund (DWSRF), the Water Infrastructure Finance and Innovation Act (WIFIA) program, and the Water Infrastructure and Resiliency Finance Center (WIRFC).
- Together, the State Revolving Funds (SRFs), which have provided more than \$150 billion in financial assistance to drinking water and wastewater infrastructure projects, can make a significant contribution to meeting those needs.
- Since 1987, the Clean Water State Revolving Loan Fund (CWSRF) program has provided more than \$118 billion in financial assistance to more than 38,000 infrastructure projects that address water quality.
- Since 1997, the Drinking Water State Revolving Loan Fund (DWSRF) program has provided more than \$32 billion in financial assistance to public water systems for almost 13,000 drinking water infrastructure projects.

- In 2016, the CWSRF DWSRF together provided \$10.1 billion in financial assistance to over 2,000 projects.
- The SRFs provide assistance to communities of all sizes, including the smallest, through at-or-below market rate loans and additional subsidy.
- The DWSRF also enables states and technical assistance providers to help water systems develop technical, managerial and financial capacity necessary to operate and maintain their drinking water infrastructure
- The state managed SRF programs serve as excellent examples of how the federal government can successfully work with our state partners to address the ongoing challenges facing this nation. EPA will remain engaged with state partners to ensure the SRF is equipped to help meet the current and future infrastructure needs.
- A relatively new authority, the Water Infrastructure Finance Innovation Act (WIFIA), provides EPA with a creative new funding tool to complement the SRF program. The WIFIA program was created in 2014 and provides authority for direct loans and loan guarantees to cover up to 49% of eligible costs for drinking water and wastewater infrastructure projects of regional or national significance.
- WIFIA has the potential to provide billions of dollars in low-interest loans to support large infrastructure projects of national and regional significance, to speed up delivery of such projects, and provide jobs.
- WIFIA was designed to offer credit assistance with flexible terms in order to attract private participation, encourage new revenue streams for infrastructure investment, and allow public agencies to get more projects done with fewer local dollars.
- In December 2016, Congress authorized and appropriated \$20 million so that EPA could start to make WIFIA loans. Most of this funding is used to cover the subsidy cost of providing a loan. The subsidy cost is essentially the loan loss reserve, and it varies based on the level of riskiness of each loan. The EPA estimate is that the subsidy cost is about 2 percent, so each \$1 dollar in appropriated funding will leverage more than \$50 in credit assistance.
- EPA estimates that the December 2016 appropriation will allow WIFIA to extend approximately \$1 billion in credit assistance to projects across the country. This assistance is expected to leverage \$2 billion in total infrastructure investment because borrowers must identify other funding to cover 51% or more of total project costs.
- WIFIA was recently launched with a Notice of Funding Availability and we are accepting Letters of Interest until April 10, 2017. We will then invite projects to apply for assistance.
- EPA recently created the Water Finance Center to help drive innovation in water infrastructure finance and help communities in need. Through the Center, EPA will be advancing its work to identify innovative financing and funding solutions for communities, particularly for the most economically challenged communities.

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- WIRFC recently released a Public-Private Partnership (P3) report on the use of P3s in the water sector. We worked with the University of North Carolina Environmental Finance Center to examine nine projects where communities used alternative project delivery models – either a public-private partnership or a public-public partnership. These case studies highlight the outcomes of these models including how the project was developed and procured, how risks were allocated, and the financial structure and features.
- In conjunction with the report’s release, the Water Finance Center published a companion perspective which provides an overview of the P3 procurement model, the model’s benefits and risks, and the decision process used to solicit P3 services.
- While much EPA’s work focuses on financing of infrastructure through the SRF program and the new WIFIA program, just as important are our efforts to protect existing and future infrastructure investments.
- We need to ensure that drinking water and wastewater systems, including decentralized wastewater systems, are managed for long-term viability and adopt innovative technology to meet modern challenges. EPA has a number of very important efforts underway that support this part of our mission.
- EPA is collaborating with utilities and water associations to promote Effective Utility Management, a program to help utilities identify best practices to address local challenges in a cost effective manner.

## **IMPROVING THE NATION’S WATER INFRASTRUCTURE THROUGH WATER TECHNOLOGY AND INNOVATION**

- I am sure there is going to be considerable discussion today about how technology and innovation can help us protect and restore our nation’s waters. Let me say a few words about this.
- The President has made clear that we must invest in our Nation’s water infrastructure. Water is essential for life and the vitality of our economy and communities.
- The latest infrastructure report by the American Society of Civil Engineers, released just two weeks ago, with a grade of “D”, continues to demonstrate the need to improve our Nation’s Water Infrastructure. Improving our water infrastructure means both fixing things and thinking differently about the next generation of water infrastructure. This is where new technology and innovation will be necessary.
- I am eager to learn more about efforts by the water sector to advance new ideas for improving the Nation’s infrastructure. I have been introduced to the concept of “Utility

of the Future” advanced by the Water Environment Federation, National association of Clean Water Agencies, and the Water Reuse Association. The “Utility of the Future”, already here in some of our cities and communities, are rethinking how, for example, wastewater treatment facilities can be design and operated to recover energy, nutrients, water for reuse and other

- I understand that just last week the Water Environment Federation convened water utility leaders at the forum “Water Innovation – Putting Ideas Into Practice” (March 15-15 in San Francisco) to showcase opportunities for imagining and accepting new technologies and innovation across the water sector. And this was done in collaboration with the water technology accelerator “Imagine H2O” which announced the winners of its completion to identify promising entrepreneurs and innovators who are turning water challenges into opportunities.
- New water technologies and innovation not only helps achieve our water infrastructure of the future but will also improve the vitality of our communities and grow our economy.
- Innovation needs to happen across all dimensions of the water sector: in technology, finance, management, governance and regulation.
- I look forward to working with all the partners, particularly the water utilites, to improve our Nation’s water infrastructure.

**Talking Points for Administrator Pruitt**  
**Building America's Water Infrastructure in the 21<sup>st</sup> Century**  
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**Placeholder: Sasha Koo-Oshima, OW, sending some opening international remarks**

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## **Improving the Nation's Water Infrastructure Through Water Technology and Innovation**

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- I am very anxious to learn more about efforts by the water sector to advance new ideas for improving the Nation's infrastructure. I have been introduced to the concept of "Utility of the Future" advanced by the Water Environment Federation, National Association of Clean Water Agencies, and the Water Reuse Association. The "Utility of the Future", already here in some of our cities and communities, are rethinking how, for example, wastewater treatment facilities can be designed and operated to recover energy, nutrients, water for reuse and other
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- Innovation needs to happen across all dimensions of the water sector: in technology, finance, management, governance and regulation.
- I look forward to working with all the partners, particularly the water utilites, to improve our Nation's water infrastructure.

**State Authority & Consultation:**

**1. What steps will you take to make delegation of primacy to states for programs like Underground Injection Control and assumption of the Clean Water Act Section 404 program (where there has been a difference of opinion between the Corps and EPA on assumption, with EPA favoring and the Corps putting up roadblocks).**

**Safe Drinking Water Act Underground Injection Control Program**

- The Underground Injection Control Program provides safe and cost effective means for industries, municipalities, and small businesses to dispose of wastes, recover resources, and store fluids.
- Nearly 1 trillion gallons of wastes are disposed of through UIC wells in the U.S. each year.
- Through a review and approval process, EPA grants primary enforcement authority, often called primacy, to states, territories, or tribes that meet the requirements to implement a UIC program.
- Thirty four states and three territories have EPA approved primacy programs for well classes I, II, III, IV and V. Additionally, seven states and two tribes have applied for and received primacy approval for Class II wells only.
- EPA most recently approved primacy for the State of Tennessee for Classes I-V in 2015, and for Kentucky for Class II wells, which takes effect on March 21, 2017. EPA continues to encourage and assist states applying for primacy for all well classes.
- EPA has worked closely with states, USGS, and DOE to help minimize the potential for earthquakes induced by underground injection – an important issue in Oklahoma and Kansas and other states.

## **Clean Water Act Section 404**

It is my understanding that EPA has consistently supported state efforts to assume permitting responsibility of the CWA section 404 program and I remain committed to supporting this and other opportunities for collaborative federalism. EPA headquarters and regional staff stand ready to assist states interested in taking on the responsibilities of this program and also to remove any perceived barriers.

For example, I understand that states have identified the lack of clarity regarding which waters they would assume CWA section 404 permitting responsibility as a barrier to not only assuming the program responsibilities but also effectively evaluating whether they wish to pursue administration of the program. In 2015, EPA established a FACA subcommittee to seek input on how to clarify this question. It is gratifying to see the states so well-represented on that group.

On April 17th, the FACA subcommittee on Assumable Waters will meet to finalize their recommendations to NACEPT on how EPA could provide clarity on this important issue. I look forward to receiving the recommendations from NACEPT and considering how EPA can clarify for which waters the state would assume permitting responsibility and which the USACE would retain this CWA permitting authority. Providing clarity would remove this state identified “barrier.”

I am pleased to commit EPA to continue its efforts to provide clarity on this issue, to actively work with those states seeking to assume the program, and to remove barriers wherever we have the authority to do so.

### Additional Background on Assumable Waters Subcommittee and NACEPT

#### *About the Assumable Waters Subcommittee*

The Assumable Waters Subcommittee has been convened under the National Advisory Council for Environmental Policy and Technology (NACEPT) to provide advice and recommendations on how the EPA can best clarify which waters a state or tribe assumes permitting responsibility for under an approved Clean Water Act (CWA) section 404 program.

CWA Section 404 establishes a program to regulate the discharge of dredge and fill material into waters of the United States. Currently the U.S. Army Corps of administers the program in 48 states. The CWA allows states and tribes to assume the administration of the 404(g) program. No tribes and only two states have assumed these permitting responsibilities to date. If a state or tribe is considering assuming such responsibilities, among the first questions that needs to be answered is for which waters will the state or tribe assume permitting responsibility and those waters the U.S. Army Corps of Engineers will retain permitting authority.

States have raised concerns to the EPA that section 404 of the CWA and its implementing regulations lack sufficient clarity to enable states and tribes to estimate the extent of waters for which they would assume permitting responsibility and thus estimate the associated implementation costs.

The EPA fully supports states and tribes assuming permitting responsibilities for the aquatic resources under their jurisdiction. Per the states' request for clarity, the EPA has established the Assumable Waters Subcommittee.

### *NACEPT*

The U.S. Environmental Protection Agency established the NACEPT in 1988 to provide independent advice to the EPA Administrator on a broad range of environmental policy, technology and management issues. The NACEPT is a federal advisory committee chartered under the Federal Advisory Committee Act (FACA).

EPA recognizes that a vast array of environmental policy expertise exists outside the Agency in the public, private and non-profit sectors. NACEPT helps EPA access the knowledge, expertise, and experience that would otherwise be unavailable to the Agency. NACEPT provides a cost-effective and flexible forum that can quickly respond to continually evolving policy challenges. The Assumable Waters Subcommittee is one of several subcommittees under NACEPT.

### **State Authority and Consultation**

#### **2. How do you plan to consult with states on next steps for the Waters of the U.S. Rule? (OWOW)**

I am committed to engaging with states as we move forward with our efforts on a Waters of the U.S. rulemaking.

On February 28th the President signed the “Executive Order on Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the “Waters of the United States” Rule.

- The EO calls on the EPA Administrator and the Assistant Secretary of the Army for Civil Works to review the final Clean Water Rule and “publish for notice and comment a proposed rule rescinding or revising the rule...”
- The EO says that EPA and the Army Corps “shall consider interpreting the term “navigable waters” in a manner “consistent with Justice Scalia’s opinion” in *Rapanos*. The Scalia standard indicates CWA jurisdiction includes relatively permanent waters and wetlands with a continuous surface connection to relatively permanent waters.

It is important that stakeholders and the public at-large have certainty as to how the Clean Water Act applies to their activities.

- Through new rulemaking, the EPA and the Army seek to provide greater clarity and regulatory certainty concerning the definition of “waters of the United States,” consistent with the principles outlined in the Executive Order and the agencies’ legal authority.

Shortly after the EO was issued, EPA took two actions:

- First, we published a Federal Register notice on March 6th entitled “Intention to Review and Rescind or Revise the Clean Water Rule.” The notice announces EPA’s and Army’s intention to review and rescind or revise the 2015 Clean Water Rule, consistent with Scalia’s standard.
- Second, at EPA’s request, on March 6th the Department of Justice advised the Sixth Circuit Court of Appeals that the Agencies intend to consider rescinding or revising the Clean Water Rule. The notice is called for by the EO and is appropriate because of the ongoing CWR-related litigation currently before that Circuit.

We now are beginning the rulemaking process, jointly with the Army Corps of Engineers.

- We are moving as quickly as we can to develop a proposed rule for public review and comment, consistent with applicable laws.
- I am interested in hearing from states as we work to develop a rule that will provide appropriate protections for our waterbodies and encourage a robust role for states.

Some have asked about the impact of the Executive Order on how the agencies determine jurisdictional waters today.

- The EO and Federal Register notice have not altered the definition of “waters of the US” or how we implement CWA programs.
- For now, we should continue to operate as we have under the stay issued by the Sixth Circuit Court of Appeals in October 2015.

That means we are using the prior regulatory definition of “waters of the US,” as clarified by the January 2003 and December 2008 Guidance documents, when we need to determine if a water is jurisdictional or not.

Additional Background: see attached, WOUS FR notice (pdf)

## **Infrastructure:**

### **1. Environmental infrastructure spending is an abundantly obvious solution to much of our environmental challenges. What steps will the Administrator take to improve our infrastructure?**

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#### Infrastructure Finance- State Revolving Fund Programs:

- The Clean Water State Revolving Fund (CWSRF) and Drinking Water State Revolving Fund (DWSRF) have been very successful at addressing important water quality and public health needs of communities across the country. They are impressive models of cooperative federalism.
- These robust programs have done a remarkable job in delivering low cost financial assistance to communities across the country, helping them pay for much needed water infrastructure.
- The SRFs have provided more than \$150 billion in financial assistance to water and wastewater infrastructure projects.
- Last year alone the SRFs provided more than \$10 billion in assistance (\$7.6 B CWSRF and \$2.5 B DWSRF).
- The President's FY18 budget continues strong federal support for these programs.

#### Infrastructure Finance – WIFIA and Water Finance Center:

- The Water Infrastructure Finance and Innovation Act (WIFIA) program will supplement the existing SRF programs and accelerate water infrastructure investment by providing an additional source of low-cost, long-term capital, in the form of direct loans, to larger-scale projects.

- The WIFIA program aims to attract private participation, encourage new revenue streams for infrastructure investment, and allow public agencies to get more projects done with fewer federal dollars.
- Recently appropriated funding from Congress has positioned the WIFIA program to select projects this year for its first round of loans.
- The recent \$20 million appropriation will allow WIFIA to extend approximately \$1 billion in credit assistance to projects. This would result in about \$2 billion in total infrastructure investment, because borrowers must identify other funding to cover 51% or more of total project costs.
- EPA is accepting letters of interest for its initial round of WIFIA credit assistance until April 10, 2017.
- The FY18 President's budget requests \$20 million in funding for this new program.
- The Water Finance Center provides financial and technical support in a collaborative manner to help our communities and states find solutions to financing water infrastructure projects and increase the efficiency and effectiveness of water infrastructure funding.

#### Background

- Based on our most recent needs surveys undertaken collaboratively with states, over \$655 billion is needed for drinking water and wastewater infrastructure improvements over the next five to twenty years.
- EPA is working on the Sixth Drinking Water Infrastructure Needs Survey and Assessment (DWINSA) report to Congress.
- The results of this survey will determine how EPA distributes DWSRF grants to the primacy agencies starting in 2018 and through 2021.
- EPA plans to release the report this year.

#### **Infrastructure**

**2. The federal permitting process for environmental and infrastructure improvement projects has a poor reputation. What role can EPA play to reduce the frustration of trying to obtain these permits?**

Through many years of experience in implementing the NPDES permitting program, EPA and the states have developed a streamlined permitting process for projects needing a construction site stormwater discharge permit (typically the only type of NPDES permit required for environmental and infrastructure improvement projects). Almost all states have authorized NPDES construction stormwater permitting programs, and provide permit coverage for construction sites under a general permit format which is designed to protect water quality and avoid needless delays.



A Construction General Permit or CGP provides a streamlined permitting process that allows for the permitting of thousands of projects per month. Eligible construction projects obtain CGP coverage by submitting to the permitting authority a Notice of Intent (NOI) form. Upon submittal of the NOI, projects are typically provided automatic permit coverage after the end of the waiting period established by the permitting authority (typically within 14 days). After permit coverage is provided for a project, it remains covered until active construction is completed and the site has been stabilized.

EPA is interested in listening and learning from our co-regulators and permittees ideas for ensuring that the NPDES permitting process is streamlined for these projects while ensuring that water quality standards are being achieved.

Background:

Section 402(p) of the CWA provides EPA with the authority to regulate stormwater discharges from a number of sources under the National Pollutant Discharge Elimination System (NPDES) permit program. Through this authority, EPA and authorized state permitting authorities regulate stormwater discharges from construction activities disturbing one or more acres of land. See 40 CFR 122.26(b)(14)(x) and 122.26(b)(15)(i). In most cases, these permits are granted by authorized state programs, not directly by EPA. The goal of the construction stormwater permitting program is to minimize the discharge of pollutants in stormwater runoff from construction activities. EPA's stormwater permits achieve this goal by requiring sites to install and implement stormwater controls or best management practices (BMPs) that are effective at minimizing erosion and sediment discharges, reduce or eliminate other pollutant discharges, and stabilize the site as soon as practicable.

**CEC Council Session Official Opening**  
**Tuesday, June 26**  
**Oklahoma City Convention Center**

**Length:** 5 min

**Introduction:** Cesar Rafael Chavez, CEC  
Executive Director

**NOTE:** After all the other officials speak, you will speak briefly again and thank all the participants and invite the audience to the opening reception at Chickasaw Ballpark.

**Deliberative Process / Ex. 5**

## **Deliberative Process / Ex. 5**

# Deliberative Process / Ex. 5

*Reminder*

# Deliberative Process / Ex. 5

# **Deliberative Process / Ex. 5**

DRAFT

General

# **Deliberative Process / Ex. 5**

WOTUS

# **Deliberative Process / Ex. 5**

Mitigation and Mitigation Banking

# **Deliberative Process / Ex. 5**

National Estuary Program New Competitive Grants Program

# **Deliberative Process / Ex. 5**

**MTE Announcement**  
**Tuesday, April 3 @ 10:30am**  
**Pohanka Chevrolet, Chantilly, VA**

**Audience:** 50-70, including employees, technicians, and salesmen.

**VIPS:** Peter Welch, CEO of the National Automotive Dealers Association; Mitch Bainwol, CEO of the Alliance of Automotive Manufacturers; John Bozzella, CEO of the Global Automakers; Cody Lusk, CEO of American International Automobile Dealers; John O'Donnell, CEO of the Washington Area New Auto-dealers Association; Ann Wilson, VP with the Motor Equipment Manufacturers Association.

**Length:** 10 minutes

**Introduction:** Geoff Pohanka, president of Pohanka Automotive Group

**Press:** Open

**Run of Show:**

*10:30am - Geoff Pohanka will introduce YOU.*

*10:35am – YOU Speak in the main showroom at the dealership.*

*10:45am - Mitch Bainwol, Peter Welch, and John Bozzella speak*

*11:00am - Take pictures*

*11:30am - Depart back to the office*

**Intro:** Before I was EPA Administrator or Attorney General of Oklahoma, I co-owned and managed Oklahoma City's Triple-A minor league baseball affiliate. For me, there are only two seasons: winter and baseball.

Baseball is back. It's a time of **hope and optimism**. If the Cubs can win, anyone can win.

I see a similar **hope and optimism** sweeping the nation thanks to the leadership of President Trump.

His first week in office, Pres. Trump brought American auto companies to the White House. Then, he went to Detroit and told autoworkers we would fix the Midterm Evaluation process. Today, we are delivering on that promise.

**MTE Announcement**

I am announcing the completion of the Midterm Evaluation Process for the greenhouse gas emissions standards for cars and light trucks for model years 2022-2025.

My final determination is that the current standards are **not appropriate and should be revised.**

*Transition: This announcement reflects our commitment to the free market, rule of law, and cooperative federalism.*

### **Return to Free Market Principles**

- EPA should not coerce the free market for things consumers and manufacturers don't want.
- Consumer demand matters.
- The current standards raise the price of vehicles and keep Americans in older cars longer.
- Auto manufacturers need the flexibility to develop cheaper and safer vehicles.
- Predicting what's going to take place out in 2025 or 2030 is hard. It creates problems when you do that too aggressively.
- We're putting an end to "**Washington knows best.**"

### **Rule of Law & Process Matter**

- The Obama administration **short-circuited the MTE process** and rushed out their final determination days before leaving office.
- Thanks to President Trump's leadership, EPA and DOT re-established the MTE process in March 2017.
- We are restoring proper process and rule of law. We are providing regulatory certainty.

### **Cooperative Federalism:**

- Cooperative federalism doesn't mean one state can dictate standards for the rest of the country.
- We will partner with all states, **including California**, as we work to finalize new standards.
- New standards will be done properly, in compliance with the law, and with input from the regulated community.

**Close:** This Administration is fighting for the American people. We take great pride in "**Made in the USA.**" We are leveling the playing field so American companies and entrepreneurs can do what they do best – compete and excel.



PM 2.5 Designations:

# Deliberative Process / Ex. 5

South Florida Water Quality Issues

Everglades Agricultural Area (FAA) Reservoir (State sponsored project):

# Deliberative Process / Ex. 5

Harmful Algal Blooms:

# Deliberative Process / Ex. 5

# **Deliberative Process / Ex. 5**

Lake Okeechobee Watershed Restoration Project (Army Corp of Engineers sponsored project):

# **Deliberative Process / Ex. 5**

FL Clean Water Act Section 404 Assumption:

# **Deliberative Process / Ex. 5**

Human Health Criteria:

# **Deliberative Process / Ex. 5**

# **Deliberative Process / Ex. 5**

Turkey Point Nuclear Power Plant:

# **Deliberative Process / Ex. 5**

Superfund/R4

# **Deliberative Process / Ex. 5**

Petroleum Products Superfund Site in Pembroke Park, Broward County:

# **Deliberative Process / Ex. 5**

Airco Plating Company, Miami:

# **Deliberative Process / Ex. 5**

Continental Cleaners, Miami:

# **Deliberative Process / Ex. 5**

Flash Cleaners, Pompano Beach:

# **Deliberative Process / Ex. 5**

# **Deliberative Process / Ex. 5**

Florida Petroleum Reprocessors, Fort Lauderdale:

# **Deliberative Process / Ex. 5**

Hollingsworth Solderless Terminal, Fort Lauderdale:

# **Deliberative Process / Ex. 5**

Wingate Road Municipal Incinerator Dump, Fort Lauderdale:

# **Deliberative Process / Ex. 5**

Miami Drum Services, Miami:

# **Deliberative Process / Ex. 5**

Munisport Landfill, North Miami (Deleted Site):

# **Deliberative Process / Ex. 5**

Solitron Devices, Inc., West Palm Beach (Superfund Alternative Site):

# **Deliberative Process / Ex. 5**

Brownfields

# Deliberative Process / Ex. 5

Brownfields 2015 Assessment Grant - Treasure Coast Regional Planning Council, Southeastern Florida

# Deliberative Process / Ex. 5

Brownfields 2013 Revolving Loan Fund Grant - Palm Beach County, FL

# Deliberative Process / Ex. 5

Brownfields 2011 Assessment Grant - Treasure Coast Regional Planning Council, FL

# Deliberative Process / Ex. 5

Water Infrastructure

# Deliberative Process / Ex. 5

# Deliberative Process / Ex. 5

## Infrastructure Concerns

# Deliberative Process / Ex. 5

## Clean Power Plan:

# Deliberative Process / Ex. 5

## EPA's FY2019 Budget:

# Deliberative Process / Ex. 5



**Western Governors Breakfast**  
**Sunday, 2/25 @ 7:00am**

**Length:** 10 min. remarks

**Exact Time:** 7:20am

**Audience:** Sec. Alexander Acosta, Sec. Ryan Zinke, Governors: Bill Walker (AK), John Hickenlooper (CO), David Ige (HI), Butch Otter (ID), Jeff Colyer (KS), Steve Bullock (MT), Doug Burgum (ND), Susana Martinez (NM), Ryan Sandoval (NV), Kate Brown (OR), Dennis Daugaard (SD), Gary Herbert (UT), Jay Inslee (WA), Matt Mead (WY)

**Run of Show:**

*7:00 a.m. - Breakfast Begins*

*7:20 a.m. – **YOU Give Welcome Remarks***

*7:30 a.m. – Remarks by Dennis Daugaard, Governor of South Dakota and WGA Chairman*

*7:40 a.m. - Governors' Remarks*

*8:20 a.m. - Cabinet Officials' Remarks*

*8:40 a.m. - Roundtable Discussion*

*9:20 a.m. - Conclusion*

**Open:** It's great to have you all here to discuss the important work we will tackle this year. None more important than ending the SEC and ACC's run of college football championships.

*Bridge: I'm spending a lot of time in the West as EPA Administrator.*

- Visited Beau Bateman Farm in ND with Gov. Burgum
- Visited Bitner Sheep Ranch and Gold King Mine with Gov. Herbert

**Cooperative Federalism:** states are partners, not adversaries.

- **WOTUS:** Homebuilder in Utah – drainage ditch was a WOTUS – I said, “Not anymore.”
- **Superfund:** Anaconda deferral rollout with Gov. Sandoval.
- **Air Quality:** 206 SIPs approved, clearing a backlog of 700+ unapproved SIPs.

**Close:** We are putting an end to top-down, one-size-fits-all mandates from Washington. EPA is most effective when it works with states as partners, not opponents.

## **Western Governors Top-Line Issues:**

### **CERCLA 108b Hardrock Mining:**

- Dec. 1, 2017 decision NOT to issue a federal financial assurance rule
- WGA agreed that the proposed rule, if finalized, would have been burdensome and duplicative.
- Announced this to hardrock miners in Nevada with Gov. Sandoval.

### **Clean Power Plan:**

- On December 28, 2017, EPA published an Advance Notice of Proposed Rulemaking
- February 26, 2018 – public comment period closes for the ANPRM
- A number of stakeholders and states, including Texas and Wyoming, have requested an extension.
- There will be future comment opportunities when we issue a proposed rule this summer.

### **Endangered Species Act Memorandum of Agreement:**

- January 31, 2018, MOA was signed by EPA, DOI and DOC establishing Interagency Working Group.
- The current pesticide consultation process is broken.
- This Working Group will improve and accelerate the process.

### **Superfund:**

- Task Force report issued July 25, 2017 with 42 recommendations
- Approx. 50 working groups now implementing the recommendations.
- Portland Harbor Update
  - PRPs have agreed upon a plan to move forward that includes all parties cooperating. EPA worked with the State and City to achieve agreed action to begin testing on several sites so that remediation may begin more quickly.

### **Water Infrastructure:**

- EPA cut the amount of time it takes the Agency to approve state water quality standards in half (from 120 days to 60)

- WIFIA program is making significant progress.
- EPA would play leading role in President's plan to repair our crumbling water infrastructure.

**WOTUS:**

- On Jan 31, I finalized "Step Zero," which pushes back the applicability date 2 years.
- We are now working to propose a new definition of WOTUS.
- We intend to finalize it by the end of the year.

**Oil and Gas New Source Performance Standards (Quad O(a) Rule)**

- EPA has been developing regulatory actions to address substantive issues with the Methane Rule.
- EPA recently issued a proposal to withdraw the 2016 Control Techniques Guidelines for the Oil and Natural Gas Industry

**SIP/FIP Actions / Cooperative Federalism on Air Issues:**

- On February 12, 2018, WGA sent a letter to EPA's Office of Air and Radiation providing detail on the Governors' priorities for air quality policy in the West.
- 206 State Implementation Plans (SIPs) approved, clearing a backlog of 700+ unapproved SIPs; EPA has turned one Federal Implementation Plan (FIP) into a SIP each month, since March 1, 2017

## **War on Lead Update/ Talking Points**

### **Talking points on federal agency Principals meeting to reduce childhood lead exposure.**

- I want to commend you, Governor Sununu, on the bill you recently signed that is aimed at preventing childhood lead poisoning.
  - I understand that it lowers the childhood blood lead level that is a threshold triggering the state's duty to carry out tests in a child's apartment, and I understand that it also provides \$6 million in loan guarantees for property owners for abatement projects.
- At the federal level, I am moving forward with a comprehensive effort to eradicate lead poisoning by bringing together federal agency leaders at a meeting next week on February 15.
  - These leaders are the Principals of the 17 federal agencies on the President's Task Force on Environmental Health Risks and Safety Risks to Children, which was established in 1997.
- There are many separate efforts being undertaken by these federal agencies. It is time to bring these efforts together in a comprehensive and consistent approach to address childhood lead exposure.
- And, it is time for the federal government explore ways to increase our collaboration and partnerships with state leaders, like yourself, as well as with tribes and local communities.
- This is an important issue because lead exposure, particularly at higher doses, continues to pose a significant health and safety threat to our children, robbing them of the fullest potential of their health, their intellect, and their future. No safe blood lead level in children has been identified.
- Can I count on you to join me in this effort?

### **Sununu to sign childhood lead poisoning prevention bill**

*Associated Press* | 02/07/2018

CLAREMONT, N.H. (AP) - New Hampshire Republican Gov. Chris Sununu is heading to Claremont to sign a bill aimed at preventing childhood lead poisoning.

The new law will require blood testing for lead in all children age 2 and under and would lower the threshold at which the state must carry out tests of an apartment to determine whether landlords must remove lead hazards. It also provides \$6 million in loan guarantees for property owners for abatement projects.

**Lead paint** was banned in 1978, but hazards remain in states with old housing stock like New Hampshire. Sununu has praised the bill as a bipartisan, commonsense compromise that will help families ensure their children are as healthy as possible.

He will sign the bill Thursday in Claremont.

## New Hampshire Water Issues Overview/Talkers

### Wastewater

- Thank you for your recent letter on Clean Water Act permits for Great Bay municipalities.
- As you know, the leaders of EPA's Office of Water and of our New England regional office met with a group of communities last Tuesday. Bob Scott [DES Commissioner] participated in that meeting, along with Mac Zelle from your office. I understand that discussion was productive and that the group agreed to follow-up discussions to make sure we are all sharing the latest scientific information about Great Bay.
- EPA committed to engage the communities in the permitting process, and to let them know well in advance when we are nearing issuance of any draft or final permits. We understand that permitting decisions have important consequences for communities and we don't want to surprise anyone.
- At the meeting, the City of Portsmouth informed EPA of a possible development opportunity at the Pease International Tradeport which may require an increase in permitted discharges. EPA is ready to work with Portsmouth to identify and resolve any permitting issues.
- We will continue to closely coordinate with NH DES on these issues. We really value DES's engagement and we believe it's important that we continue to work together on these permits.

### MS4 permitting

- EPA worked closely with NH DES in the development of the NH municipal stormwater ("MS4") permit. We appreciate DES's engagement and support.
- We know NH communities are concerned about the investments needed to reduce stormwater pollution. Together with DES, we conducted numerous meetings with communities to hear their concerns, and made many changes to the permit in response to their comments.
- We looked for places to add flexibility to the permit to allow local decision-making about stormwater management. We also included lengthy schedules to allow communities time to plan and implement stormwater management practices.
- The permit has been appealed, and we are beginning a mediation process to see if we can reach an agreement that satisfies everyone's concerns. We will continue to listen carefully to the issues raised by NH communities. I hope we can find a way forward that will protect New Hampshire's waters and will also be workable for the communities that need to implement the permit.
- I know that a group of NH communities has asked EPA to delay the effective date of the permit. Our Office of General Counsel and Office of Water are working with Region 1 to evaluate that request.

### WOTUS

- The EPA and the Department of the Army are in the process of reviewing and considering revisions to the scope of "waters of the United States" that are protected under the Clean Water Act, and we are doing so in a two-step process consistent with a February 28, 2017 Presidential Executive Order.
- The first step was to propose to rescind the 2015 rule and recodify the prior regulations. We published the proposal in July 2017.
- The second step is to propose a new definition of WOTUS.
- Apart from this two-step process, last week we published a final rule adding an applicability date to the 2015 rule. The 2015 rule will not apply until February 6, 2020.

- Given the uncertainty about litigation in multiple district courts over the 2015 Rule, this action provides much needed certainty and clarity to the regulated community, states and the public during the ongoing regulatory process.
- We've received a lot of useful feedback from the federalism and tribal consultations we conducted in the spring and from the series of public meetings we held in fall asking for pre-proposal recommendations on a revised definition of "waters of the United States." We are currently reviewing those recommendations.
- We are planning for additional discussions with state and tribal co-regulators in the near-future, including webinars with our state and tribal partners on February 20 and hosting workshops for tribal stakeholders on March 6- 7 and for states on March 8- 9.
- I look forward to continuing our engagement and dialogue as we work to reconsider the definition of the 'waters of the United States' so that Americans receive the clarity they deserve.

**National Association of State Departments of  
Agriculture (NASDA) Winter Policy  
Conference**

**Wednesday, 1/31 @ 1pm**

**Grand Hyatt Washington, Constitution AB**

**Exact Speaking Time:** 1pm

**Length:** 30 min

**Setup:** Fireside chat with Oklahoma Secretary of Agriculture Jim Reese

**Audience:** 200 NASDA members (all of the state ag commissioners, their staff and ag community sponsors of the fly-in)

**Media:** Open press.

**AGENDA:**

*12:45pm - YOU depart for Grand Hyatt*

*1pm - Fireside Chat w/ YOU and Jim Reese*

*1:30pm - YOU depart*

**Open:**

George Washington wrote in a letter: *“I know of no pursuit in which more zeal & important service can be rendered to any Country than by improving its agriculture—its breed of useful animals.”*

- Farmers and ranchers are our country's first environmentalists and conservationists whose input must be valued.

***Bridge:** The previous administration may have ignored many of you. But I have not.*

**Cooperative Federalism:**

- Priority = get out of Washington and into the communities.
- Rural America includes 72% of the nation's land and 46 million people.
- On my State Action Tour, I visited nearly 30 states and met with state agriculture commissioners, Farm Bureau leaders and other stakeholders. I see many of you here today.

**Results:**

Within months of taking office, I spearheaded over two dozen significant regulatory reform actions, including proposing to rescind the 2015 “Waters of the United States” rule.

- **WOTUS:** Ensure regulatory certainty for affected farmers and land owners.
- **Dicamba:** Negotiated a labeling agreement with manufacturers to minimize drift to off-target crops.
- **Worker Protection Standard:** EPA notified farmers it will provide clarity regarding the minimum age, designated representative, and application exclusion zone.

***Bridge:** And we have a new important announcement we will make right here today...*



**Today, I will sign a Memorandum of Agreement establishing a new Endangered Species Act Working Group**

- The Environmental Protection Agency, Department of Interior, and Department of Commerce have entered into a Memorandum of Agreement to establish a high-level, interagency Working Group to evaluate and improve the Endangered Species Act consultation process for pesticide registrations.
- **The current process is broken.** It has taken the government multiple years to evaluate just three of the 700 pesticides that need to be reviewed.
- **The current pesticide consultation process is bad for both endangered species and America's farmers.**
- This Working Group will improve and accelerate the process for pesticide registrations.

**Commissioners in the Room Today That You  
Know from WOTUS Tour/ Meetings at EPA**

Kentucky- Ryan Quarles (introduced you at KY  
Farm Bureau)

Georgia-Gary Black

Tennessee- Jai Templeton

Arkansas- Wes Ward

Colorado- Don Brown (appointed by  
Hickenlooper- came to Last Chance ranch)

Florida- Adam Putnam

Indiana- Melissa Rekeweg (interim)/ Ted  
McKinney (tapped for USDA post)

Iowa- Bill Northey (Confirmation is still held  
up)

Mississippi- Cindy Hyde-Smith

Missouri- Chris Chinn

Utah- LuAnn Adams (Came to Bittner Ranch)

Nebraska- Greg Ibach (Now appointed at  
USDA)

North Dakota- Doug Goehring

Oklahoma- Jim Reese

South Carolina- Hugh Weathers

RE: Meeting with NASDA members centered around Ag and Rural Prosperity Report

DATE: January 31, 2018

**Background:** On January 08, 2018, the USDA released its recommendations to the President on revitalizing rural America under his April 2017 E.O. establishing the Interagency Task Force on Agriculture and Rural Prosperity. This is an opportunity for you to speak with NASDA members and other local officials on reducing regulatory burdens, streamlining environmental permitting/interagency coordination, and by doing so, incentivizing investment in rural America.

Proposed Talking Points

Back-to Basics/ Cooperative Federalism:

**Deliberative Process / Ex. 5**

WOTUS and other regulations:

**Deliberative Process / Ex. 5**

Dicamba

**Deliberative Process / Ex. 5**

Worker Protection Standard

**Deliberative Process / Ex. 5**

Certified Applicator Training

**Deliberative Process / Ex. 5**

# **Deliberative Process / Ex. 5**

# **Deliberative Process / Ex. 5**

## Meeting with Moms Clean Air Force

*Emissions are down as economy grows:*

- Between 1970 and 2016, as GDP grew 253%, combined emissions of the six common pollutants (PM<sub>2.5</sub> & PM<sub>10</sub>, SO<sub>2</sub>, NO<sub>x</sub>, CO, and Pb) fell 73%
- Since 2000, number of days reaching “Unhealthy for Sensitive Groups” or higher on the Air Quality Index decreased 66% (based on ozone and PM 2.5 measurements in 35 major cities)
- Since 2010, no violations in NAAQS standards for CO and NO<sub>2</sub>.
- Visibility in national parks and wilderness areas has improved over the majority of the 155 areas monitored by EPA and other agencies
- Since 1990, monitored levels of SO<sub>2</sub> have dropped 85 percent and levels of ozone have decreased 22 percent nationally (with ozone precursor emissions of nitrogen oxides plummeting over 50 percent since 2000).

*Area designations for the 2010 National Ambient Air Quality Standards for Sulfur Dioxide*

- On December 22, 2017 EPA issued the third round of final SO<sub>2</sub> designations. Only 50 areas remain to be designated – for these areas, states have chosen to install and operate new monitors so that they can gather three full calendar years of data to inform a designation by the end of 2020.

*Area designations for the 2015 National Ambient Air Quality Standards for Ozone*

- On November 6, 2017, EPA issued final designations for the 2015 National Ambient Air Quality Standards for ozone for most areas in the United States. The agency found most areas in the country (roughly 85 percent) meet the standards and designated these areas. On December 22, EPA responded to state and tribal recommendations by indicating anticipated area designations for the remaining portions of the country. These responses will start a 120-day period for states, territories, and the tribes to provide additional information before final designations must occur.
- EPA will also be opening a 30-day comment period for the public to provide input on these designations before they are finalized. **EPA is not required to seek public comment during the designation process, but is electing to do so in order to gather additional information.** For next steps, EPA will continue to work closely with our partners at the state, tribal, and local levels to finalize these area designations and improve ozone air quality

*US Greenhouse Gas Inventory Report*

- In April 2017, EPA released its latest US Greenhouse Gas (GHG) Inventory report, which incorporated extensive, newly-available data, including data from the Greenhouse Gas Reporting Program (i.e. newly reported activity data) and from recent studies, resulting in significant improvements to petroleum and natural gas systems and waste sector estimates in particular.
- EPA continues to work with industry and other interested stakeholders to improve out data and analysis for the US GHG Inventory through technical workshops, expert review, and public notice and comment opportunities. Recent events in 2017 include stakeholder webinars and workshops on landfill emissions and petroleum and natural gas systems.

**American Chemistry Council**  
***Thursday, 11/09 10:15am***  
***Kiawah Island***

**Length:** 30 mins. fireside chat

**Audience:** approx. 90 attendees/40 board members and staff

**Introduction:** Cal Dooley, President & CEO

**Media:** Closed press.

**Regulatory Reform** – we are providing regulatory certainty across the country...

- In last 8 months in office at EPA,  
**reconsideration of more than a dozen major rules and more than two dozen regulatory actions:**
  - **TSCA:** successfully eliminated backlog of over 600 new chemical cases that were stuck in review process.
  - **Scientific Boards:** No more can you receive grants and serve on boards.
  - **WOTUS:** Withdrawal issued. New rule in progress.
  - **CPP:** announced proposed repeal this month.
  - **Sue & Settle:** announced directive last week saying the days of regulation through litigation are over

**Reorganization Reform** – have to change the way of thinking from the inside...

- Leanest EPA since Ronald Reagan by end of this month.
- New Results Reforms
  - Working toward the goal to have all EPA permits issued in 6 months by end of 2018
  - Measurable results in air, water, and cleaning up contaminated sites.

**Reorienting Thinking** – probably the greatest mission I have while at EPA is to reorient thinking across the board when it comes to environmentalism.

- What is true environmentalism?
  - Past administration had a “do not touch” mentality
  - Left believes our environment belongs behind glass, in museums
  - Must harness our natural resources for good – be good stewards
- What’s so great about previous administration
  - Air attainment, Superfunds, water infrastructure

***Bridge:*** There is progress being made, and it should be celebrated...

**Closing:** We can be both pro-environment and pro-growth. The previous administration said we had to choose – that’s a false narrative.

**Points for Administrator Pruitt's Meeting with the American Chemistry Counsel**  
**EPA's IMPLEMENTATION OF THE 2016 AMENDED TSCA**

**EPA's interpretation of the phrase "Reasonably Foreseen Uses" in implementing TSCA:**

- *Issue:* New TSCA requires EPA to make risk determinations based on both known and reasonably foreseen uses. Concerns have been raised by industry that EPA is regulating chemicals on uses that are not clearly foreseen.
- *Talking Point:* (from 6.22.2017 Risk Evaluation Final Rule): The Agency is committed to determining the conditions of use in a reasonable manner and will not base this determination upon hypotheticals or conjecture.

**EPA's approach to "Legacy Uses" in review of existing chemicals under TSCA:**

- *Issue:* EPA has received criticisms that we may not consider 'legacy' uses in the review of existing chemicals.
- *Talking Point:* In general, EPA believes TSCA is best suited to address uses for which a chemical is currently being manufactured. EPA will consider exposures of the legacy uses as appropriate. EPA will always include evaluations of conditions of use that raised the greatest potential for risk. If there's risk whether an old use or new, raise it, and EPA will include it in the evaluation of how we act, prioritize, regulate.

**TSCA User Fees Rule:**

- *Background:* New TSCA enables EPA to collect fees from chemical manufacturers and processors by rulemaking. The fees collected will be either 25 percent of the costs for administering portions of TSCA, or up to \$25 million a year for the first three years, whichever is less.
- *Talking Point:* A draft of the rule is currently under development and is expected to be proposed in February; EPA plans to finalize a rule in 2018.

**Legal Challenges:**

- Several groups have filed lawsuits against EPA's current interpretation of "conditions of use" (e.g., ENGOs), and several groups (such as ACC) have filed in support of EPA.



**SIGMA (Society of Independent  
Gasoline Marketers of America)**  
***Wednesday, 11/8 @ 3:25pm***  
***The Westin***

**Length:** 45 min. fireside chat

**Audience:** approx. 300 SIGMA attendees

**Introduction:** Brad Puryear, *General  
Counsel, Mansfield Energy; Gainseville, GA*

**Run of Show:**

3:25pm – BP introduces YOU

3:30pm-4:15pm – Fireside chat with BP  
with audience Q&A

4:15pm – YOU depart

**Media:** Closed to press.

**Historical Context:** Nov. 8 – One year after  
President Trump was elected...remember the  
optimism around the country

**Reorienting Thinking** – probably the greatest mission I have while at EPA is to reorient thinking across the board when it comes to environmentalism.

- What is true environmentalism?
  - Past administration had a “do not touch” mentality
  - Left believes our environment belongs behind glass, in museums
  - Must harness our natural resources for good – be good stewards
- What’s so great about previous administration?
  - Air attainment, Superfunds, water infrastructure

**Regulatory Reform** – we are providing regulatory certainty across the country...

- In last 8 months in office at EPA, **reconsideration of more than a dozen major rules and more than two dozen regulatory actions:**
- **TSCA:** successfully eliminated backlog of over 600 new chemical cases that were stuck in review process.
- **Scientific Boards:** No more can you receive grants and serve on boards.
- **WOTUS:** Withdrawal issued. New rule in progress.
- **CPP:** announced proposed repeal this month.
- **Sue & Settle:** announced directive last week saying the days of regulation through litigation are over

**Reorganization Reform** – have to change the way of thinking from the inside...

- Leanest EPA since Ronald Reagan by end of this month.
- New Results Reforms
  - Working toward the goal to have all EPA permits issued in 6 months
  - Measurable results in air, water, and cleaning up contaminated sites.

**Closing:** We can be both pro-environment and pro-growth. The previous administration said we had to choose – that’s a false narrative.

**U.S. Chamber Roundtable**  
***Tuesday, 9/26 3:00pm***  
***U.S. Chamber of Commerce***

**Length:** 20-25 mins; 20 mins Q&A

**Audience:** approx. 30 members of  
***Inaugural Global Resource Efficiency***  
***Task Force***

**Introduction:** Gary Litman, *VP Global*  
*Initiatives, U.S. Chamber*

***\*\*Will greet you at door***

- Tom Donohue, *CEO*
- Rob Schroder, *SVP International*  
*Affairs*

**Run of Show:**

**3:00pm** – YOU arrive

**3:05pm** – GL introduces YOU

**3:07pm** – YOU open meeting/brief remarks

**3:15pm** – Q&A interactive discussion

**3:40pm** – GL wraps up, YOU give final  
comments

**3:50pm** – YOU depart

**Media:** Closed press.

**OPENING:** Thank you to the US Chamber – and the many companies represented today.

- Tremendous engagement in the G7 and G20 this year – I was fortunate to meet several of you while in Rome earlier this year.
- It's great that this group has gathered to continue the discussion on the issue of resource efficiency.
- Innovation and leadership from the private sector is so important to us as a country, and we should be sharing and exporting these ideas to the rest of the world.
  - Private sectors use resources more efficiently to create jobs and make U.S. businesses more competitive.
  - At the same time, reduce water and energy use as well as GHG emissions.

**Private Sector Partnership:** Convene key leaders in solution-driven dialogue about conserving resources in areas of common interest.

- Reduce barriers that inhibit resource recovery
- Promote voluntary standards using best practices and amplifying best practices.

**International Cooperation:** U.S. continues to work internationally to keep our industry at its most competitive.

- EPA staff will attend the first G20 Resource Efficiency Dialogue in Nov. in Berlin.
- EPA staff will also be at the next G7 Alliance for Resource Efficiency in Rome.

**Energy Star:** In 2015, Americans purchased more than 300 million ENERGY STAR products, market value of \$100 billion.

- 88% of the nation's largest homebuilders partner with ENERGY STAR.
- 40% of FORTUNE 500 industrial companies have worked with EPA's to improve their facilities' energy performance.

**CLOSING:** Exciting to hear the many ideas that have been discussed here today.

We must CELEBRATE the progress being made and continue to lead the world in this area.

**Association of General Contractors**  
**National & Chapter Leadership**  
**Conference**

***Tuesday, 9/26 8:45am***  
***The Willard***

**Length:** 20-25 mins; 20 mins Q&A

**Audience:** 225 commercial construction owners, presidents and CEOs, AGC executives and staff

**Introduction:** Mike Morrand, *Treasurer, AGC of America*

**Run of Show:**

**8:45am** – YOU arrive

**8:50am** – YOU deliver remarks after being introduced

**9:15am** – Q&A discussion

**9:35am** – YOU depart

**Media:** Closed press.

**You learn a lot about yourself in the first six months on the job...listen to these headlines:**

- According to *New York Times*, “I don’t like cell phones in meeting...and tell my staff they aren’t allowed to take notes...”
- ...or if you caught the *AP* story – apparently I met with the CEO of a chemical company that actually never happened...
- Rolling Stone says I’m committing “crimes against nature”
- ...Or there’s the *Politico* stories where I’ve picked up and moved to DC just to run for governor of OK!...*Huff Post* takes it one step further and says I’m running for President!

***Bridge:*** In all seriousness...I want to tell you a little bit about what is really happening at the agency and the headlines you may not see...

**Reorienting Thinking** – probably the greatest challenge I have while at EPA is to reorient thinking across the board when it comes to environmentalism.

- What is true environmentalism?
  - Past administration had a “do not touch” mentality
  - Apple orchard story
- What’s so great about previous administration?
  - Air attainment, Superfunds, water infrastructure

**Regulatory Reform** – we are providing regulatory certainty across the country...

- In last 7 months in office at EPA,  
**reconsideration of more than a dozen major rules and more than two dozen regulatory actions:**
  - **WOTUS** – comment period ends 9/27
    - Utah subdivision – permitting issues
  - **CPP** – proposed repeal currently at OMB
  - **Sue & Settle** – announcement coming next week
- **Cooperative Federalism**
  - Visited nearly **25 states**, met with **33 governors**.
  - Visited with nearly **200 bipartisan interest groups** spanning agriculture, manufacturing & community groups
  - Many of these states/groups were ignored by previous administration

**Reorganization Reform** – have to change the way of thinking from the inside...

- EPA is at Reagan-era staff size
- New Results Reforms
  - Working toward the goal to have all EPA ***permits issued within 6 months***
  - Measurable results in air, water, and cleaning up contaminated sites.

***Bridge:*** There is progress being made, and it should be celebrated...

**Closing:** Someone once said, “Yes, we can!”  
**We can be both pro-environment and pro-growth.**

- **POTUS has tremendous courage, instincts in all areas, honored to serve this Administration.**

**National Stone, Sand & Gravel Assoc.**

***Monday, 9/25 5:10pm***

***Hyatt Regency Capitol Hill***

**Length:** 15 mins; 20 mins Q&A

**Audience:** 200+ aggregates, business owners and facility operators

**Introduction:** Kermit Franks, *Dolese Brothers of OKC*

***\*\*Sec. Zinke will speak directly after you.***

**Run of Show:**

**5:10pm** – YOU arrive

**5:15pm** – YOU deliver brief remarks after being introduced

**5:30pm** – Q&A discussion

**5:50pm** – YOU depart

**Media:** Closed press.

**You learn a lot about yourself in the first six months on the job...listen to these headlines:**

- According to *New York Times*, “I don’t like cell phones in meeting...and tell my staff they aren’t allowed to take notes...”
- ...or if you caught the *AP* story – apparently I met with the CEO of a chemical company that actually never happened...
- Rolling Stone says I’m committing “crimes against nature”
- ...Or there’s the *Politico* stories where I’ve picked up and moved to DC just to run for governor of OK!...*Huff Post* takes it one step further and says I’m running for President!

**Bridge:** In all seriousness...I want to tell you a little bit about what is really happening at the agency and the headlines you may not see...

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  - Air attainment, Superfunds, water infrastructure

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- In last 6 months in office at EPA,  
**reconsideration of more than a dozen major rules and more than two dozen regulatory actions:**
  - **WOTUS** – comment period ends 9/27
  - **CPP** – proposed repeal currently at OMB
  - **Sue & Settle** – announcing directive THIS WEEK
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  - Visited nearly **25 states**, met with **33 governors**.
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  - Many of these states/groups were ignored by previous administration

**Reorganization Reform** – have to change the way of thinking from the inside...

- EPA is at Reagan-era staff size
  - Last week EPA concluded voluntary separations and buyout resulting in 400+ Departures by the end of the month
- New Results Reforms
  - Working toward the goal to have all EPA permits issued within 6 months
  - Measurable results in air, water, and cleaning up contaminated sites.

**Bridge:** There is progress being made, and it should be celebrated...

**Closing:** Someone once said, “Yes, we can!”  
**We can be both pro-environment and pro-growth.**



**Tea Party Patriots**  
***Friday, 9/22 2:30pm***  
***EEOB***

**Length:** 15 mins; 20 mins Q&A

**Audience:** approx. 100

**Introduction:** Jenny Beth Martin, *Co-founder of Patriots*

**Run of Show:**

**2:30pm** – YOU arrive

**2:35pm** – YOU deliver brief remarks after being introduced

**2:50pm** – Q&A discussion

**3:10-3:15** – YOU depart

**Media:** Closed press.

**You learn a lot about yourself in the first six months on the job...listen to these headlines:**

- According to *New York Times*, “I don’t like cell phones in meeting...and tell my staff they aren’t allowed to take notes...”
- ...or if you caught the *AP* story – apparently I met with the CEO of a chemical company that actually never happened...
- Rolling Stone says I’m committing “crimes against nature”
- ...Or there’s the *Politico* stories where I’ve picked up and moved to DC just to run for governor of OK!...*Huff Post* takes it one step further and says I’m running for President!

***Bridge:*** In all seriousness...I want to tell you a little bit about what is really happening at the agency and the headlines you may not see...

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  - Apple orchard story
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  - Air attainment, Superfunds, water infrastructure

**Regulatory Reform** – we are providing regulatory certainty across the country...

- In last 6 months in office at EPA,  
**reconsideration of more than a dozen major rules and more than two dozen regulatory actions:**
  - **WOTUS** – comment period ends 9/27
  - **CPP** – proposed repeal currently at OMB
  - **Sue & Settle** – announcement coming next week
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  - Visited nearly **25 states**, met with **33 governors**.
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- EPA is at Reagan-era staff size
  - Last week EPA concluded voluntary separations and buyout resulting in 400+ Departures by the end of the month
- New Results Reforms
  - Working toward the goal to have all EPA permits issued within 6 months
  - Measurable results in air, water, and cleaning up contaminated sites.

***Bridge:*** There is progress being made, and it should be celebrated...

**Closing:** Someone once said, “Yes, we can!”  
**We can be both pro-environment and pro-growth.**

- **POTUS has tremendous courage, instincts in all areas: Paris, tax reform, healthcare. Honored to be serving as part of this Administration.**

**Ag America Spring Conference**  
***Wednesday, 4/5 @ 12:10pm***  
***JW Marriott***

**Length:** 15 min. discussion/10 min. Q&A

**Audience:** 40-50 ag related stakeholders,  
state commissioners, directors, secretaries of  
agriculture, ag leaders

**Introduction:** Ryan Quarles, Ag America  
Chairman; Commissioner – KY Dept. of Ag

*Sen. Pat Roberts, KS*  
*Congressman Mike Conaway, TX*  
*Ag Secretary Bill Northey, IA*  
*Ag Director Ted McKinney, IN*  
*Ag Commissioner Ryan Quarles, KY*  
*Ag Director Jamie Clover Adams, MI*  
*State Rep. Jonathan Shell, KY*

**Run of Show:**

12:10pm – Meet Ryan Quarles in conference  
room

12:15pm – RQ introduces YOU

12:20pm – Discussion between YOU and  
RQ

12:30pm – Q&A

12:40pm – Depart

**Media:** Closed to press.

**Opening:** **Baseball season is upon us...**Exciting time of year because baseball franchises across the country think they can win the world series...

Same optimism/hope surrounding areas we are involved with at the EPA – business will be done differently in DC.

Nov. 7 vs. Nov. 8 – DC less consequential

***Bridge:** EPA Originalism takes place when we refocus on the core mission of the agency.*

### **Regard for the Rule of Law**

The role of EPA is clearly defined by Congress/statutes

- Play within the rules
- Regulatory certainty

False belief that farmers/ranchers don't care about their environment...

- I know first-hand from my time in OK – no one has greater stewardship for our environment than our farmers and ranchers. – ***That's what they do. They care for the land.***
- Landowners' livelihoods depend on a clean and healthy environment
- Matters for yield in the future.

### **Respecting the Process**

- ***Energy independence EO*** signed last week– miners will go back to work
- ***WOTUS EO*** – direct effect on farmlands across the country
- Denied petition to ban ***Chlorpyrifos*** – used by 40,000 + farms
- ***Consent decrees***/sue and settle
- Regulations should make things regular

### **Return of Cooperative Federalism**

- Desperate need to rebalance the power between Washington and the states.
- Congress understood that a one-size-fits-all model doesn't work

***Bridge:** There is still work to be done, but we should celebrate the progress being made.*

**Closing:** Important to take the time to recognize ***VICTORIES:*** WOTUS, CPP, methane ICR, CAFE...*the future ain't what it used to be.*

**Alabama Farm Federation**  
***Thursday, 7/6 @ 12:30pm***  
***Brentwood Farm***

**Length:** 15 min. remarks

**Audience:** approx. 50 local farmers, ALFA board members, guests of the Burkes

**Introduction:** Sen. Luther Strange

- *Chip and Mistie Burkes; Brentwood Farm owners*
- *Jimmy Parnell; President, Alabama Farm Federation*

**Run of Show:**

12:30pm – CB introduces Jimmy Parnell

12:32pm – JP introduces Sen. Strange

12:35pm – LS introduces YOU

12:40pm – YOU give remarks

1:00pm – Depart for airport

**Media:** Closed to press.

**Opening:** I've had the opportunity to travel across the country: coal mines in PA, utility plant in MO...*and now the farmland of Alabama!*

I'm here to commit to you: EPA is getting back to work for YOU. We are getting back to the basics.

*Bridge: EPA Originalism takes place when we refocus on the core mission of the agency.*

### **Regard for the Rule of Law**

The role of EPA is clearly defined by Congress/statutes

- Play within the rules
- Regulatory certainty

False belief that farmers/ranchers don't care about their environment...

- I know first-hand from my time in OK – no one has greater stewardship for our environment than our farmers and ranchers. – *That's what they do. They care for the land.*
- Landowners' livelihoods depend on a clean and healthy environment
- 

### **Respecting the Process**

- *Energy independence EO* already seeing coal miners get back to work
- *WOTUS EO* – direct effect on farmlands across the country: just last week we began the process of withdrawing the rule
- Denied petition to ban *Chlorpyrifos* – used by 40,000 + farms
- *Consent decrees*/sue and settle
- Regulations should make things regular

### **Return of Cooperative Federalism**

- Desperate need to rebalance the power between Washington and the states.
- Congress understood that a one-size-fits-all model doesn't work

*Bridge: There is still work to be done, but we should celebrate the progress being made.*

**Closing:** What has been missing the past several years is certainty...EPA is working to provide regulatory certainty across all industries...*the future ain't what it used to be.*

**Interview: Kevin Williamson, National Review**  
**Friday, 3/17 – 9:45am**

**Information:** *This is set up as an interview segment on-stage. Below are topics and talking points for various issues that may be discussed:*

*The notecard provided includes your core talking points that you will be able to incorporate while answering the questions.*

***EPA Originalism/State Involvement***

- I am committed to leading the EPA in a more effective, more focused, less costly way as we partner with states to fulfill the agency's core mission.
- Washington shouldn't get in the way of the 50 states across our nation who care about air, land and water—big government approaches don't mean real solutions.

***Budget***

***President's Budget Blueprint***

- \* The blueprint's overarching goal is about prioritizing border security, veterans' health care, and school choice, and easing regulatory burdens.
- \* The blueprint helps refocus the Agency on being more effective, more focused, and less costly.
- \* The blueprint reflects the President's priorities of preserving clean air and water as well as to ease the burden of costly regulations to industry.

***Positive Funding***

- \* With the exception of 2016, State Revolving Funds (SRFs) have taken cuts in the President's Budget as high as 23% since 2012. This budget does not reduce funding for the SRFs, and provides robust funding for the Water Infrastructure Finance and Innovation Act (WIFIA) program to finance critical drinking and wastewater infrastructure.

- \* Reductions were both targeted and strategic – freeing up resources from voluntary programs to re-prioritize funding for programs tethered to statutes.

### ***Regulatory Burden***

- \* EPA's enforcement will focus on programs that are not delegated to states.

- \* This is about empowering the states to be primary implementers of environmental programs on the ground, rather than insist that EPA micromanage them.

- \* Administrator Pruitt is committed to leading the EPA in a more effective, more focused, less costly way as we partner with states to fulfill the agency's core mission.

- \* Washington shouldn't get in the way of the 50 states across our nation who care about air, land and water—big government approaches don't mean real solutions.

### ***Next Steps***

- \* Development of our congressional justification within these topline numbers begins now, and will be released to Congress and the public in mid-May.

- \* Work with state, tribal and Federal partners to take a more comprehensive look at our priorities and the best ways to accomplish our core work – keeping our air and water clean.

- \*Redesign the way we do business to focus on achieving our core responsibilities - working with the states to ensure clean and breathable air, protecting water quality and investing in infrastructure, restoring our communities, ensuring timely review of chemicals and products to ensure safety for American families, all of which will have a positive impact on the environment and the economy.



### *CAFE Standards*

- Traveled to Michigan yesterday with President Trump and Secretary Chao to announce we are setting aside the Final Determination for Model Year 2022-2025 vehicle GHG standards that the previous EPA rushed through just days before President Trump took office.
- The auto industry says they were caught by surprise. By making a political determination, rather than a data driven one, the previous EPA administration truncated the review process, omitted updated analyses, failed to coordinate with DOT and bypassed OIRA review.
- The previous EPA walked away from their commitments by issuing the Proposed Determination without coordinating with NHTSA and that caught the auto industry, Congress and the public by surprise. We need to return to regularity and process.

### *CO2/Climate Change*

- I've been very clear and consistent on my beliefs: the climate is changing, humans have some level of effect on climate change, but there remains much debate on causes and effects.
- The CO2 discussion is a religious observance to a few. It's time that we restore common sense and sanity to global warming/climate change.
- We must make America first – not just in trade, but in making sure we are not taken advantage of by countries who want to use the issue to kill our jobs why they do little to nothing.
- The far left has turned this issue into a religion.

Travel:

**Deliberative Process / Ex. 5**

Emails:

**Deliberative Process / Ex. 5**

Future political run:

**Deliberative Process / Ex. 5**

**American Farm Bureau State  
Leadership Meeting**

***Tuesday, 7/11 @ 8:30am  
Capitol Holiday Inn***

**Length:** 15 min. remarks; 10 min. Q&A

**Introduction:** Tom Buchanan, OK Farm Bureau

*\*Zippy Duvall, American Farm Bureau President*

**Audience:** Approx. 125 state presidents, farm bureau staff, leadership

**Media:** Closed press.

**Run of Show:**

***8:30am*** – ZD introduces Tom Buchanan

***8:33am*** – TB introduces YOU

***8:35am*** – YOU give remarks

***8:50am*** – Q&A

***9:00am*** – Depart

**Opening:** Hearing from folks across the country – excitement, optimism.

What I hear more than anything: “Thank you for listening.”

**"Courage is what it takes to stand up and speak; courage is also what it takes to sit down and listen." – Winston Churchill**

The past administration knew how to speak...had trouble listening.

***Bridge:*** We are committed to getting back to the basics, empowering citizens, such as farmers and ranchers, as a result.

### **Providing Regulatory Certainty**

- Biggest threat to economic growth – industry doesn't know what is expected of them.
- **WOTUS:** Took significant action to return power to states by moving to rescind the 2015 rule.
  - Story about Resolute Desk
- Regulations should make things regular

### **Promoting a Positive Environmental Agenda**

- Focus on the areas of land, air and water.
- Not committed to talking points/bumper stickers, but results
- Obama 50+ FIPS, 10x the number of last three presidents combined
- Superfunds 1300+
- Flint, East Chicago, Gold King Mine
- Air attainment: Under Obama 24 states had areas that did not meet air quality standards – instead of taking them to the goal line, he moved the goal post – now have 31 states in nonattainment

### **Partnering with States/Local Stakeholders**

- Desperate need to rebalance the power between Washington and the states.
- One-size-fits-all model doesn't work
- Alabama/Georgia last week
- WOTUS: we've already begun meeting with stakeholders/Governors...in fact, I'll travel to several states next week.

***Bridge:*** There is still work to be done, but we should celebrate the progress being made.

**Closing:** There's a saying “Don't ever bet against farmers.”



**Oklahoma Farm Bureau**

**Wednesday, 3/29 @ 1:00pm**

**Green Room – EPA HQ**

**Length:** 15 min. remarks; 10 min. Q&A

**Introduction:** Tom Buchanan

**Audience:** Approx. 55 OK Farm Bureau members and staff

**Media:** Closed to press.

**Run of Show:**

*12:50pm – Farm Bureau members arrive*

*1:00pm – Administrator arrives and mingles*

*1:15pm – Tom Buchanan introduces*

*Administrator*

*1:15pm – Administrator gives remarks*

*1:30pm – Q&A*

*1:45pm – End of event*

**Opening:** I've said this a lot over the past month – *“The future ain't what it used to be!”*

That has never been more true for our farmers and ranchers across the country...

As an agency, we are committed to getting back to the basics and empowering citizens as a result.

***Bridge:*** *EPA Originalism takes place when we refocus on the core mission of the agency.*

### **Regard for the Rule of Law**

The role of EPA is clearly defined by Congress/statutes

- Play within the rules

Committed to providing regulatory certainty

- Biggest threat to economic growth – industry doesn't know what is expected of them.

### **Respecting the Process**

- Energy independence EO signed just yesterday – miners will go back to work
- WOTUS EO – direct effect on states like Oklahoma and farmlands
- Regulations should make things regular

### **Return of Cooperative Federalism**

- Desperate need to rebalance the power between Washington and the states.
- Congress understood that a one-size-fits-all model doesn't work
- Obama administration: states are mere vessels of federal will
  - Obama's EPA: 56 FIPs
  - Past three administrations: 5 total

***Bridge:*** *There is still work to be done, but we should celebrate the progress being made.*

**Closing:** Important to take the time to recognize ***VICTORIES:*** WOTUS, CPP, methane ICR, CAFÉ

*“The future ain't what it used to be.”*

**Friday, August 4, 2017**  
**Gold King Mine, Colorado**

**TBD – TV Interview with Jennifer Brockman, KDVR/KWGN**

Reporter: Jennifer Brockman

Outlet: Colorado TV Station

Location: TBD

Address:

Format:

Topics: Gold King Mine, EPA Action

Contact: **Ex 6** [ HYPERLINK "mailto:Jennifer.Brockman@kdvr.com" \t "\_blank" ]

**TBD – Radio Interview with Dan Lewis (Steffan Tubs is the on-air host)**

Reporter: Dan Lewis, Rockies Reporter

Outlet: KOA Newsradio, iHeartMedia Markets Group

Location:

Address:

Format: call-in

Topics: Gold King Mine, EPA Action

Contact: **Ex 6** [ HYPERLINK "mailto:danlewis@iheartmedia.com" ]

**TBD – Print interview with Peter Marcus, The Gazette**

Reporter: Peter Marcus

Outlet: The Gazette, ColoradoPolitics.com

Call in #:

Location: TBD – potential exclusive at GKM

Address:

Format:

Topics:

Contact: **Ex 6** [ HYPERLINK "mailto:peter.marcus@gazette.com" ]

**Colorado Talking Points:**

- I am joined by Governor Hickenlooper, Senator Cory Gardner and Senator Michael Bennet, to visit the site where one of our country's most devastating environmental disasters took place. Despite the this happening on President Obama's watch, neither him, Vice President Biden – nor Administrator Gina McCarthy visited this site.
- The previous administration failed those who suffered losses as a result of the Gold King Mine release. A new review is paramount to ensure that those who have in fact suffered losses have a fair opportunity to receive assistance.
- When I was appointed Administrator, I committed to review a decision by the previous administration regarding the Gold King Mine incident that left so many impacted people without any support or help from the federal government.
- EPA is continuing to evaluate state claims and is interested in continuing the dialogue with the state to avoid protracted litigation.



## **GOLD KING MINE BACKGROUND**

- In January 2017, EPA denied 79 administrative claims filed by farmers, ranchers, homeowners, businesses, employees, state and local governments, as well as other individuals seeking damages in connection with the Gold King Mine incident.
- In February 2017, the State of Utah filed an administrative claim seeking \$1.9 billion. Utah's claim is still pending, as are all administrative claims that have been filed after Utah.

# **Deliberative Process / Ex. 5**

- EPA has already reimbursed Utah for approximately \$700,000 in CERCLA response costs separate from the pending \$1.9 billion claim under the Federal Tort Claims Act.
- The State of New Mexico and the Navajo Nation, whose administrative claims were denied, have filed motions seeking to add their tort claims to the preexisting Gold King Mine litigation in the District of New Mexico. DOJ (on behalf of the United States) opposed those motions on various jurisdictional grounds. The court has not yet ruled on the motions. EPA is barred from reconsidering administrative claims once litigation has been filed.
- On July 5, 2017, EPA mailed letters to all claimants whose administrative claims had been denied (except for New Mexico and the Navajo Nation, due to the litigation) notifying them that the Agency was reconsidering their claims and requesting that they submit additional documentation.
- On July 6, 2017, EPA received 59 new administrative tort claims from a law firm filed on behalf of individual members of the Navajo Nation. (The law firm is also representing the Navajo Nation as a whole in the district court litigation.) In addition, the firm submitted three requests for reconsideration on behalf of claimants who were not previously represented and whose administrative claims had been denied.
- On July 7, 2017, another law firm representing 14 individual claimants seeking personal injury and property damages, filed suit in district court. It is unclear whether the law firm received notice of the reconsideration because the lawsuit was filed the same day the reconsideration letters were delivered.

- There are currently 67 administrative tort claims pending that have not received an initial determination, including Utah's. An additional 77 administrative tort claims are under reconsideration. (That number includes 13 of law firm's clients, but we are unsure whether those claims may still be reconsidered given the timing of the filing of the lawsuit.) Thus, there are 144 total claims pending that require EPA action.
- EPA has six months (until the end of December) to act on claims under reconsideration. If EPA does not act on the claim, it may be deemed "constructively denied" and the claimant may choose to file suit. (Note that DOJ has not conceded that the *sua sponte* reconsideration was legally valid.)

**Large Public Power Council CEO  
Meeting**

***Monday, 5/22 12:15pm  
Washington Court Hotel***

**Length:** 20 min. remarks, 10 min.  
discussion

**Audience:** approx. 100 utility CEOs and  
senior staff

**Introduction:** Dan Sullivan; *General  
Manager/CEO Grand River Dam Authority*

*Others attending:*

*\*Cheryl LaFleur, Acting Federal Energy  
Regulatory Commission Chairman*

**Run of Show:**

- 12:15pm – Dan Sullivan introduces  
YOU
- 12:20 – YOU give remarks
- 12:40pm – Q&A
- 12:50pm – Depart

**Media:** Closed press.

**Opening:** In the past month I visited the coal  
mines of PA, utility plant in Missouri, a Superfund  
cleanup site in East Chicago: ***EPA is getting back  
to work for you...we are returning to our core  
mission.***

Whoever said you can't have your cake and eat it  
too, doesn't know what to do with cake: **pro-  
energy, pro-environment, pro-jobs.**

***Bridge: We can have both – look at what we've  
accomplished. No one does it better than the  
U.S...***

**The First 100 Days –** *We are nearing the 100  
day mark as Administrator of EPA.*

- From day one I set forth three principles for the way we do business at EPA:
  - Rule of Law, Process, Cooperative Federalism
- Regulatory Rollback
  - Taken more than **two dozen** actions rolling back regulations
  - No more” regulatory pancaking”
- Energy Independence/WOTUS EOs
- CAFE Standards
- Permitting: Pledged to follow the rules (Pebble Mine)
- Listening: talked with 25+ governors; industries, stakeholders

**The Next 100 Days – *What you are seeing is a result of leadership in action.***

- This President is one who gets things done.
- Study: People use 16,000 words a day
  - At EPA: Let’s put a cap on the amount of words you say/meetings and actually get results.
- Superfund sites – putting plan in place to make significant progress on more than 1300 sites that we inherited
- Water infrastructure
- Climate debate: red team vs. blue team
  - Climate exaggerators

**Past EPA vs. New EPA – *not committed to talking points/bumper stickers, but results***

- Obama 51 FIPS, 10x the number of last three presidents combined
- Flint, East Chicago, Gold King Mine
- Air attainment: ***Under Obama 24 states had areas that did not meet air quality standards – instead of taking them to the goal line, he moved the goal post – now have 31 states in nonattainment***

***Bridge:*** Prayerful that when you look back at the Trump EPA, you see an agency that got things done...

**Closing:** I’ve said this from the beginning...there is change in the air. Yogi Berra: “The future ain’t what it used to be.”

TO: Administrator Pruitt  
FROM: OCIR, OPA  
CC: Ryan Jackson  
RE: Alabama Travel (July 6<sup>th</sup>)  
DATE: July 6, 2017

**Purpose:** Senator Luther Strange (R-AL) will host you at two locations in Alabama to tour a local power plant and farm to highlight recent actions taken on the Clean Power Plan and WOTUS. You and Senator Strange will deliver brief remarks at each location focusing on the benefits of withdrawing both rules. Alabama is an ideal location to visit given both locations close proximity to each other.

**Attire:** Dress shirt (no tie), blazer and slacks.

**Note:** Birmingham, Alabama is in the Central Time Zone

#### AGENDA

|                             |   |
|-----------------------------|---|
| 6:00AM EST-<br>7:41AM EST   | <b>FLY: DCA to ATL</b><br>Delta Flight 2080<br><b>Record Locator:</b> GI4ABH  |
| 8:38AM EST-<br>8:30AM CST   | <b>FLY: ATL to BHM</b><br>Delta Flight 5438<br><b>Record Locator:</b> <input type="text"/> <b>Ex. 6</b><br><br><b>Drive time to Plant Gaston:</b> 52 minutes  |
| 9:15 CST –<br>9:30 CST      | <b>Live radio interview by phone with “Alabama’s Morning News with JT”</b><br><b>Host:</b> Jeff Tyson Nysewander<br><b>Station:</b> 105.5 WERC<br><b>Topic:</b> Alabama events and regulatory roll back<br><b>Call in:</b> <input type="text"/> <b>Ex. 6</b><br><b>Producer:</b> Wade Smith, [ <a href="mailto:wadesmith@iheartmedia.com">HYPERLINK "mailto:wadesmith@iheartmedia.com"</a> ], <input type="text"/> <b>Ex. 6</b>   |
| 10:00AM CST-<br>11:30AM CST | <b>Clean Power Plan Event</b><br>Plant Gaston<br>31972 Highway 25<br>Wilsonville, AL<br><br><b>10:00– 10:15am: Hold informal press availability at the Visitors Center with two friendly, pre-selected media outlets.</b><br>This building is outside the main security gate, making it easier than shepherding press through to the plant. They also need to keep press separate from the meeting with employees.<br><br><b>10:15am: End press avail</b><br><br><b>10:20am: Begin discussion with employees (closed press)</b><br>Plant Manager gives the safety briefing, introduces SVP of Generation Jim Heilbron |

|                            |   |
|----------------------------|---|
|                            | <p><b>10:25am: Remarks: (closed press)</b></p> <ul style="list-style-type: none"> <li>-Audience Size: 150</li> <li>-Heilbron gives a brief welcome, introduces Sen. Luther Strange</li> <li>-Sen. Strange gives brief welcome, introduces Administrator Pruitt</li> <li>-Pruitt addresses plant employees</li> <li>-Heilbron thanks Pruitt and Strange, dismisses audience</li> </ul> <p><b>10:45am: Begin tour of plant (closed press)</b></p> <p><b>11:30: Depart for Brentwood Farms</b></p> <p><b>Drive time to Brentwood Farm:</b> 60 minutes</p>  |
| 11:45 CST-<br>12:00 CST    | <p><b>Live radio interview by phone with "Yellowhammer Radio"</b></p> <p><b>Hosts:</b> Scott Chambers and Andrea Tice</p> <p><b>Station:</b> 101 WYDE SuperStation</p> <p><b>Topic:</b> Alabama events and regulatory roll back</p> <p><b>Call in:</b> <input type="text" value="Ex. 6"/></p>   |
| 12:30PM CST-<br>1:45PM CST | <p><b>Alabama Farm Federation Event</b></p> <p>Brentwood Farm</p> <p>12:30PM: Lunch with Chip and Mistie Burkes (owners)<br/>Attendees: Senator Strange, Administrator Pruitt Jimmy Parnell (President, Alabama Farm Federation)</p> <p>12:55pm: Tour of Farm led by Chip and Mistie Burkes<br/>1:00pm: Larger group arrives (additional guests of Burkes family, state board and local farmers invited by ALFA, guests identified by Pruitt and/or Strange)</p> <p>1:20pm: Remarks <b>(Open Press)</b></p> <ul style="list-style-type: none"> <li>-Audience Size: 50</li> <li>-Chip Burkes introduces Jimmy Parnell for remarks</li> <li>-Jimmy Parnell introduces Sen. Strange to offer remarks</li> <li>-Sen. Strange introduces Administrator Pruitt for remarks</li> </ul> <p><b>*One pre-selected trust media source is being selected to cover the event as an exclusive</b></p> <p>1:45pm: Depart for airport</p> <p><b>Drive time to BHM:</b> 55 minutes</p> |
| 3:52PM CST-<br>6:57PM CST  | <p><b>FLY: BHM to DTW</b></p> <p>Delta Flight 6250</p> <p><b>Record Locator:</b> <input type="text" value="Ex. 6"/></p>   |
| 8:15PM CST-<br>9:50 PM EST | <p><b>FLY: DTW to DCA</b></p> <p>Delta Flight: 2287</p> <p><b>Record Locator:</b> <input type="text" value="Ex. 6"/></p>  |

## **PLANT GASTON—CPP EVENT**

### **Plant Gaston**

#### **Background**

- Total of five generating units
- 1,975 MWs of capacity—enough energy to serve about 250,000 homes
- Approximately two million tons of coal and 6 MCF of natural gas burned annually.
- No outstanding enforcement matters pending against this facility or Alabama Power.
- A previous New Source Review enforcement matter against Alabama Power was settled in 2006 after significant litigation from 1999-2006 with a modification to the consent decree in 2015. Neither the original nor the modified consent decree involved Plant Gaston.

#### **Environmental Enhancements**

- Invested \$900 million in the following environmental controls.
- Projected to spend an additional \$350 million on additional land and water controls.
- Site of the *National Carbon Capture Center*, a DOE-sponsored research facility that accelerates the commercialization of advanced technologies to enable fossil fuel-based power plants to achieve near-zero emissions.

#### **Workforce/Economic Impact**

- 305 full-time employees (198 are part of the IBEW union).
- \$26 million annually in labor (including overtime)
- \$83 million annually in contract labor

#### **Clean Power Plan Talking Points**

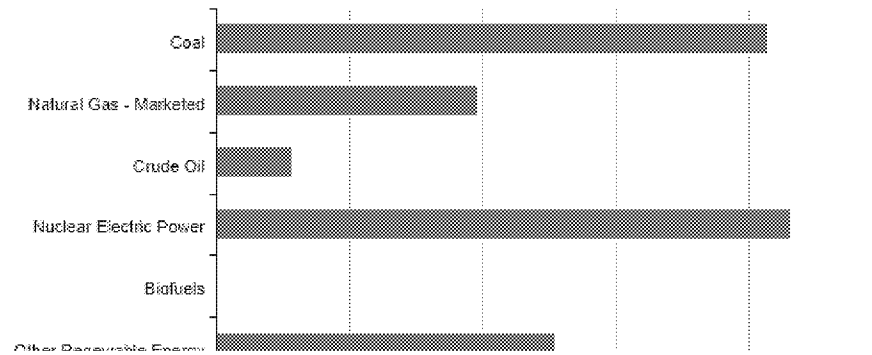
- Under the President Obama's Clean Power Plan, Alabama would have been required to hit a target reduction of 33%.
- On March 28, President Donald Trump signed the Executive Order on Energy Independence, which calls for a review of the Clean Power Plan.
- Subsequent to the President Trump's actions, I sent letters to state governors advising them that they are under no obligation to adhere to the Clean Power Plan rule.

#### **Alabama Energy Snapshot**

- The electric power sector is the largest consumer of natural gas in Alabama, accounting for 63% of consumption in 2016.
- In 2016, the port of Mobile, Alabama, handled the second-largest tonnage of U.S. coal imports, as well as the third-largest tonnage of coal exports (mostly coking coal used in steelmaking).

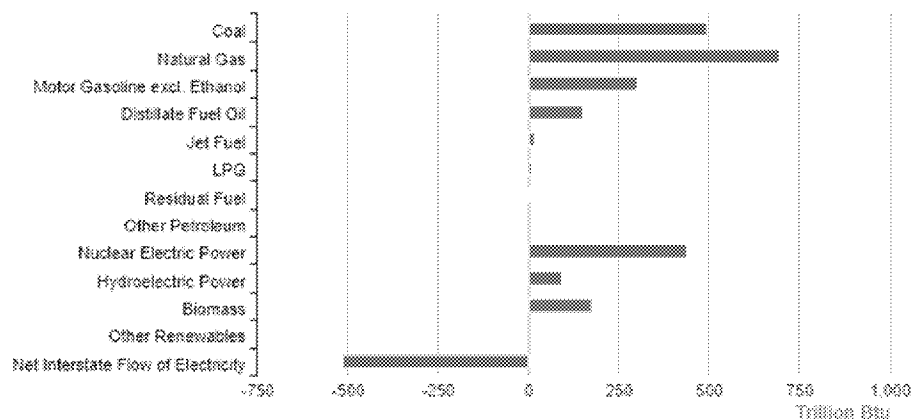
## Alabama Energy Production Estimates, 2014

[DOWNLOAD](#)



## Alabama Energy Consumption Estimates, 2015

[DOWNLOAD](#)



## BRENTWOOD FARMS—WOTUS EVENT

### Brentwood Farms

- A 625-acre farm that is owned and operated by Chip and Mistie Burkes
- The Burkes family has owned the property for approximately raise more than 350 head of Simmental and Sim-Angus cattle.

### Waters of the US Talking Points

- We are taking significant action to return power to the states and provide regulatory certainty to our nation's farmers and businesses.
- This is the first step in the two-step process to redefine 'waters of the U.S.' and we are committed to moving through this re-evaluation to quickly provide regulatory certainty, in a way that is thoughtful, transparent and collaborative with other agencies and the public.

### Alabama Superfund issue:

- Background story: [ [HYPERLINK](http://www.al.com/news/birmingham/index.ssf/2017/06/former_alabama_legislator_oliv.htm) "http://www.al.com/news/birmingham/index.ssf/2017/06/former\_alabama\_legislator\_oliv.htm" ]



# Deliberative Process / Ex. 5

- Excited to work with President Trump to make sure EPA is doing the job it was created to do, ensure clean air and water

Thursday, June 29, 2017 – 4:45pm

**On-Camera Taped Interview with Ginni Thomas, Daily Caller**



Time: 4:45pm-5:15pm

Location: EPA headquarters, Administrator's Office

Reporter: Ginni Thomas

Outlet: Daily Caller News Foundation

Topics: Back to Basics, Paris Agreement, Overall goals

Contact: [ [HYPERLINK "mailto:vthomas@libertyinc.co"](mailto:vthomas@libertyinc.co) ], **Ex. 6** (cell)

Reporter bio

Ginni Thomas is an attorney and founder of Liberty Consulting. She is a columnist for The Daily Caller and has worked for the Heritage Foundation and is the wife of U.S. Supreme Court Assoc. Justice Clarence Thomas.

Anticipated Questions:

- Why do you believe it was a good decision for President Trump to pullout of the Paris Accord?
- You have often said the Obama Administration did a poor job of protecting our environment. Can you explain exactly what you mean by that?
- What do you hope to achieve as administrator of the EPA?
- We are almost six months in to President Trump's term, how do you think he is doing?
- One fun question, do you like baseball and who is your favorite team?

Past EPA vs. New EPA:

- What exactly is so great about the previous administration when it comes to environmental issues?

- The previous administration was all talk, little action. We are not committed to talking points/bumper stickers – we're committed to results.
- Obama 50 + FIPS, 10x the number of last three presidents combined
- You have Flint, East Chicago, Gold King Mine...
- In regard to air attainment: Under Obama 24 states had areas that did not meet air quality standards – instead of taking them to the goal line, he moved the goal post – now have 31 states in nonattainment
- More Superfund sites when Obama left office than when he began: 1300+

### **Back to Basics:**

- We are committed to getting back to the agency's core mission including air, land and water.
- We've already spearheaded nearly two dozen major regulatory reform actions:
  - WOTUS, CPP, TSCA, ELG
- It is important that people across the country understand that we can be pro-growth, pro-jobs and pro-environment.

### **Paris Agreement:**

- America has been leading on this issue before Paris – we are and were at pre-1994 levels in regard to our CO2 footprint, before Paris was even agreed to.
- From 2000-2014 we had a nearly 20 percent reduction with regard to CO2 footprint.
- United States has nothing to be apologetic about with regard to using innovation, technology, American ingenuity to address issues such as CO2.
- The President realized Paris represented a bad deal for this country and he hit it home recognizing an American First strategy: not just in trade, not just in national security, not just in border control, but also issues like environmental agreements which Paris represents.
- When you look back to when Paris was entered into by nations across the globe, there were environmental groups here criticizing the deal – because it didn't hold China, India, the largest polluters in the world accountable.
- India in the agreement was not going to take any steps in CO2 reduction until they received 2.5 trillion dollars in aid.
- We have nothing to be apologetic about as a country – we are going to continue to lead the world in CO2 reduction because of innovation and technology.
- We need to focus on exporting the things we know across the world to countries like China and India and help them reduce emissions as opposed to setting targets in Paris no one can meet.

- The targets set in Paris - the 26-28% reduction in greenhouse gases and CO2 emissions – under the previous administration, every action President Obama took still fell 40% short of the targets.
- We are the United States – we don't lose our seat at the table. We are already apart of the UNFCCC.
- The President demonstrated a tremendous amount of courage – he truly put America's interests first.
- We are going to remain committed to CO2 reduction – but we are going to do it the right way.
- America's miners and drillers are getting back to work under President Trump with the 7th straight month of job creation, after 25 consecutive months of decline in the previous administration.
- Mining added 7,000 jobs in May. Employment has risen by 47,000 since a low point in October 2016. This refers to miners and drillers, and certain other energy sector jobs that produce coal, oil, natural gas, etc.

**ELG:**

**Deliberative Process / Ex. 5**

**CCR:**

**Deliberative Process / Ex. 5**

## **Deliberative Process / Ex. 5**

**CCP:**

**Wednesday, June 28, 2017 – 10:15 a.m.**

**On-Camera Taped Interview with Andrew O’Reilly, FoxNews.com**

Time: 10:15 – 10:40 a.m.

Location: EPA headquarters, Administrator’s receiving room

Reporter: Andrew O’Reilly

Outlet: FoxNews.com

Topics: Superfund Initiative

Contact: [ [HYPERLINK "mailto:Andrew.Oreilly@FOXNEWS.COM"](mailto:Andrew.Oreilly@FOXNEWS.COM) ], 610-246-2691 (cell)

Note: Camera crew will arrive at 9:15 for set up.

#### Reporter bio

Andrew O’Reilly is a reporter for Fox News Channel based in New York. He was previously a reporter for Fox New Latino and a freelance writer for ESPN. He attended the University of Pittsburgh and NYU’s journalism school.

#### Anticipated Questions:

- Why are you focused on the Superfund program?
- What do you hope to accomplish?
- What do you say to those who say that expediting the cleanup process could mean weaker environmental standards?  
Will budget cuts impede your efforts?

#### Suggested Talking Points:

- EPA’s Superfund, Brownfields, and water infrastructure programs are key to helping bring EPA back its core mission.
- These are areas that all fell by the wayside under the Obama administration.
- We are currently looking for ways to better utilize all available tools and resources to clean up more contaminated lands faster so that communities are made safer and put back into productive use.
- I recently made two big announcements on our Superfunds program, including a new [

- One of my first steps was to visit the East Chicago Superfund site, because I wanted to see and hear first-hand from the people who are counting on EPA's help.
- I was the first EPA Administrator to visit East Chicago.
- There are currently 1,336 sites on the National Priority List of Superfund sites that are located across the country.
- It's very clear this was not a top-priority, or priority in general, from the previous administration because of the little progress made in eight years.

#### **With regard to the Budget:**

- The proposed budget for EPA is a 31 percent cut, the proposed cut to the Superfund program is 30 percent; or a \$330 million reduction.
- Money is not the issue with this program.
- We believe that with better leadership, and reducing inefficiencies and administrative costs, we can accelerate the pace of the clean-ups.
- It is also worth noting that we believe there is significant amount of money being wasted in administrative costs in this program and we are in the process of trying to identify and reduce these inefficiencies through our Task Force.
- Of course, some of the oversight costs are necessary, but we also know there is a lot of inefficiencies and waste – so that is what we are trying to identify and flush out.

#### **The notion that streamlining and improving the Superfund program will somehow lead to less protective or effective cleanups is false.**

- Applicable regulations require us to select remedies that will protect human health and the environment based on anticipated future use and other criteria.
- That isn't changing as a part of this initiative.
- Unlike the previous administration that failed to prioritize the Superfund program, I am providing real leadership that will lead to better results at Superfund sites across the country.

#### **Specific examples:**

- [ HYPERLINK "[https://urldefense.proofpoint.com/v2/url?u=https-3A\\_\\_www.epa.gov\\_uss-2Dlead-2Dsuperfund-2Dsite&d=DwMFAg&c=cnx1hdOQtepEQkpermZGwQ&r=7aDXGpVnf4Kg93RTpvDL-LDK0dk\\_OhhAJdZRVrq-Eyo&m=IBirzgXuUwt1Ck\\_smQERBBgCqDjl\\_sfA4BN6QTRyU2Y&s=xIHJfuH8VUZVi9JngMI3z4T2EYjdgPvJfrOB9T2c4ho&e=\"%5Ct%20blank%20\"](https://urldefense.proofpoint.com/v2/url?u=https-3A__www.epa.gov_uss-2Dlead-2Dsuperfund-2Dsite&d=DwMFAg&c=cnx1hdOQtepEQkpermZGwQ&r=7aDXGpVnf4Kg93RTpvDL-LDK0dk_OhhAJdZRVrq-Eyo&m=IBirzgXuUwt1Ck_smQERBBgCqDjl_sfA4BN6QTRyU2Y&s=xIHJfuH8VUZVi9JngMI3z4T2EYjdgPvJfrOB9T2c4ho&e=\) ] - East Chicago, Indiana - First EPA Administrator to visit East Chicago, which was listed on the National Priorities List of the worst contaminated sites in the country in 2009. I pledged improved coordination, communication and cleanup of the site working alongside federal, state and local partners. EPA has taken actions to expedite cleanup, we recently announced the creation of a community involvement coordinator to serve as a director point of



contact for East Chicago residents. At East Chicago: EPA cleaned up 50 properties in 2016, 200 properties in 2017 and anticipates cleaning up 400 more properties in 2018 and 2019, excluding the housing complex property in zone 1.

- [ HYPERLINK "https://urldefense.proofpoint.com/v2/url?u=https-3A\_\_www.epa.gov\_mo\_west-2Dlake-2Dlandfill&d=DwMFAG&c=cnx1hdOQtepEQkpermZGwQ&r=7aDXGpVnf4Kg93RTpvDL-LDK0dk\_0hhAJdZRVrq-Eyo&m=lBirzgXuUwt1Ck\_smQERBBgCqDjI\_sfA4BN6QTRyU2Y&s=AmOrN0dvGV LpEwTnIAYIJ2HmcEYFJGzScWP1CsAni2c&e=" \t "\_blank" ] – Bridgeton, Missouri - This site has been on the National Priorities List (NPL) for 28 years. I have committed to a solution within a few months. While this is not finished or fixed even once a decision is made, it shows action to solve a problem that no one else has addressed in almost two decades. While we do not yet know the recommended solution, we are committed to getting this matter resolved.
- [ HYPERLINK "https://urldefense.proofpoint.com/v2/url?u=https-3A\_\_cumulis.epa.gov\_supercpad\_cursites\_csitinfo.cfm-3Fid-3D0902959&d=DwMFAG&c=cnx1hdOQtepEQkpermZGwQ&r=7aDXGpVnf4Kg93RTpvDL-LDK0dk\_0hhAJdZRVrq-Eyo&m=lBirzgXuUwt1Ck\_smQERBBgCqDjI\_sfA4BN6QTRyU2Y&s=TI1J9FMNA6e8PHX1MV8K5hRLRKScBwcZ854LPdAL5E0&e=" \t "\_blank" ] – Nevada - This site was not put on the NPL list because a private/state solution was proposed. I met with Nevada Gov. Sandoval about the site to discuss brokering a deal with the PRP (Potentially Responsible Parties) to get the site cleaned up without having to have it added to the NPL – showing deference to the state and governor, and showing cooperative federalism.

**National Stripper Wells Association**  
**Annual Energy Gala**

**Thursday, 3/23 @ 7:00pm**

**Embassy Suites, OKC**

**Exact Speaking Time:** Approx. 7:20pm

**Length:** 5-10 min.; NO Q&A

**Audience:** 200 oil and gas  
producers/vendors

**Introduction:** Mike Cantrell

**Media:** Open to the press

**Agenda:**

**6:45pm** – Dinner seating

**7:00pm** – SP arrives

-Invocation

-Presentation of Legislator of the Year  
Award

*-Presentation of Industry Leader of the Year  
Award (SP)*

*-SP gives brief remarks*

**7:30pm** - Depart for Tulsa

**VIPs:**

- Congressman Kevin Brady, Texas
- Darlene Wallace, NSWA Chairman
- Tim Charters, NSWA VP of  
Regulatory and Governmental Affairs
- Mark Cantrell, Past Chairman

**Opening:** *Good to be back in Oklahoma!* Nice to feel that Oklahoma breeze as I got off the plane...been dealing with freezing temps and snow back east!

- It's a privilege to be recognized as an "Industry Leader" alongside Congressman Brady and the other recipients being recognized tonight.

***Bridge:*** *You know it's been said, "You can't have your cake and eat it too." ...Well I'm here to tell you whoever said that doesn't know what to do with cake.*

### **Pro-Energy & Pro-Environment**

- Why would we not want both pro-energy and pro-environment?
- At EPA we are making it a priority to grow our economy while also taking care of our natural resources.

### **Celebrate Progress**

-Since 1980 – **65%** reduction in six criteria pollutants under NAAQs program

- Industry's carbon dioxide emissions down 21%
- Nitrogen oxides cut by nearly 80% since 1990 – sulfur dioxide down 86%
- All while electricity use grew by 36%
- Thanks to technology: Clean coal, shale

-We must celebrate this process – it means more jobs for Americans!

- Stripper wells employ more than 240,000 jobs across the U.S...we aren't going to let regulatory overreach place burdens your companies.

***Bridge:*** *We look forward to partnering alongside each of YOU...already a month in on the job and we are making progress: WOTUS, methane ICR notice, CAFÉ...and CPP is coming...*

**Closing:** Baseball...Yogi Berra: "The future ain't what it used to be."

## Administrator Talking Points for ECOS Meeting

### *Office of General Counsel*

#### State Authority & Consultation Question from ECOS:

- ECOS is generally opposed to the “sue and settle” approach where consent decrees may impose deadlines and obligations on state agencies without allowing them to weigh in before agreeing to a proposed consent decree. Can you discuss any ideas you are looking at to help ensure that states at least have a role in these settlement discussions?

#### Top-Line Talking Points

**Deliberative Process / Ex. 5**

#### Second-Tier Talking Points

**Deliberative Process / Ex. 5**

# Deliberative Process / Ex. 5

## Background on Current Practice

- Transparency: Since the beginning of 2013, EPA has placed all Notices of Intent to sue on a public website.
  - EPA Regions often, but not always, contact states when a suit related to the State's activities is received.
  - Since the change in Administration, the Acting General Counsel has directed that all complaints associated with those NOIs be posted on the same website.
  - The Acting General Counsel has convened a work group from across OGC to identify additional opportunities to increase the transparency and availability of information regarding litigation brought against the agency.
- Input: Some of our settlement agreements currently go through notice and comment before finalization, but many do not.
  - For Clean Air Act cases, the statute requires that all settlement agreements are proposed through the Federal Register and states (and members of the public) are free to comment on them.
  - EPA also voluntarily makes settlements under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) available for comment. Notices of proposed settlements are posted on OCSPP's EPA website and also provided to the individuals and organization on Pesticide Program Alerts e-mail list.
  - Other settlements do not go through a notice and comment process.
- Participation: Some states have expressed interest in participating in the litigation as a party. EPA does not control the ability of a person (including a state) to intervene in a pending lawsuit, as such decisions are reserved for the courts.
- External review of our practice: In 2014, the Government Accountability Office completed an independent review of EPA settlement practices. GAO identified seven settlement agreements associated with major rulemakings during their five-year study period.
  - EPA published for comment all seven of these settlement agreements.

- None of the settlement agreements required EPA to take an otherwise discretionary action or prescribed a specific substantive outcome of a final rule.
- GAO made no recommendations to EPA.
- This does not change the experience many states have that they feel excluded from the agency's current settlement process.

## *Office of Water*

### **State Authority & Consultation:**

**1. What steps will you take to make delegation of primacy to states for programs like Underground Injection Control and assumption of the Clean Water Act Section 404 program (where there has been a difference of opinion between the Corps and EPA on assumption, with EPA favoring and the Corps putting up roadblocks).**

### **Safe Drinking Water Act Underground Injection Control Program**

**Deliberative Process / Ex. 5**

# Deliberative Process / Ex. 5

## Additional Background on Assumable Waters Subcommittee and NACEPT

### *About the Assumable Waters Subcommittee*

The Assumable Waters Subcommittee has been convened under the National Advisory Council for Environmental Policy and Technology (NACEPT) to provide advice and recommendations on how the EPA can best clarify which waters a state or tribe assumes permitting responsibility for under an approved Clean Water Act (CWA) section 404 program.

CWA Section 404 establishes a program to regulate the discharge of dredge and fill material into waters of the United States. Currently the U.S. Army Corps of administers the program in 48 states. The CWA allows states and tribes to assume the administration of the 404(g) program. No tribes and only two states have assumed these permitting responsibilities to date. If a state or tribe is considering assuming such responsibilities, among the first questions that needs to be answered is for which waters will the state or tribe assume permitting responsibility and those waters the U.S. Army Corps of Engineers will retain permitting authority.

States have raised concerns to the EPA that section 404 of the CWA and its implementing regulations lack sufficient clarity to enable states and tribes to estimate the extent of waters for which they would assume permitting responsibility and thus estimate the associated implementation costs.

The EPA fully supports states and tribes assuming permitting responsibilities for the aquatic resources under their jurisdiction. Per the states' request for clarity, the EPA has established the Assumable Waters Subcommittee.

### *NACEPT*

The U.S. Environmental Protection Agency established the NACEPT in 1988 to provide independent advice to the EPA Administrator on a broad range of environmental policy, technology and management issues. The NACEPT is a federal advisory committee chartered under the Federal Advisory Committee Act (FACA).

EPA recognizes that a vast array of environmental policy expertise exists outside the Agency in the public, private and non-profit sectors. NACEPT helps EPA access the knowledge, expertise, and experience that would otherwise be unavailable to the Agency. NACEPT provides a cost-effective and flexible forum that can quickly respond to continually evolving policy challenges. The Assumable Waters Subcommittee is one of several subcommittees under NACEPT.

### **State Authority and Consultation**

**2. How do you plan to consult with states on next steps for the Waters of the U.S. Rule? (OWOW)**

**Deliberative Process / Ex. 5**



# **Deliberative Process / Ex. 5**

## **Infrastructure:**

**1. Environmental infrastructure spending is an abundantly obvious solution to much of our environmental challenges. What steps will the Administrator take to improve our infrastructure?**

# **Deliberative Process / Ex. 5**

Infrastructure Finance- State Revolving Fund Programs:

## **Deliberative Process / Ex. 5**

Infrastructure Finance – WIFIA and Water Finance Center:

## **Deliberative Process / Ex. 5**

# Deliberative Process / Ex. 5

## Background

- Based on our most recent needs surveys undertaken collaboratively with states, over \$655 billion is needed for drinking water and wastewater infrastructure improvements over the next five to twenty years.
- EPA is working on the Sixth Drinking Water Infrastructure Needs Survey and Assessment (DWINSA) report to Congress.
- The results of this survey will determine how EPA distributes DWSRF grants to the primacy agencies starting in 2018 and through 2021.
- EPA plans to release the report this year.

## Infrastructure

**2. The federal permitting process for environmental and infrastructure improvement projects has a poor reputation. What role can EPA play to reduce the frustration of trying to obtain these permits?**

# Deliberative Process / Ex. 5

# Deliberative Process / Ex. 5

## **Background:**

Section 402(p) of the CWA provides EPA with the authority to regulate stormwater discharges from a number of sources under the National Pollutant Discharge Elimination System (NPDES) permit program. Through this authority, EPA and authorized state permitting authorities regulate stormwater discharges from construction activities disturbing one or more acres of land. See 40 CFR 122.26(b)(14)(x) and 122.26(b)(15)(i). In most cases, these permits are granted by authorized state programs, not directly by EPA. The goal of the construction stormwater permitting program is to minimize the discharge of pollutants in stormwater runoff from construction activities. EPA's stormwater permits achieve this goal by requiring sites to install and implement stormwater controls or best management practices (BMPs) that are effective at minimizing erosion and sediment discharges, reduce or eliminate other pollutant discharges, and stabilize the site as soon as practicable.

*Office of CFO*

**Assoc. of Clean Water Administrators**  
**(ACWA)**

**Monday, 3/20 @ 9:30am**

**Hilton Garden Inn, Noma Ballroom**

**Exact Speaking Time:** 10:00am

**Length:** 15 mins.; 5 mins Q&A

**Introduction:** Pete LaFlamme, ACWA  
President

**Audience:** Approx. 75-80 *including state water program reps, interstate water program staff, EPA OW staff, one member of USGS*

**Media:** Closed to press.

**AGENDA:**

*9:30am – LaFlamme opens session*

*9:35am – Senate EPW Staff Susan Bodine and Christopher Tulou give remarks*

*10:00am – LaFlamme introduces Administrator - ADMINISTRATOR SPEAKS*

*10:25am – Mike Shapiro gives brief remarks*

*10:30am – LaFlamme concludes session*

**Opening:** *“Global stewardship is our shared responsibility and our shared opportunity...that meets the needs of the present generation while expanding the opportunities for future generations.” – Bush, Sr.*

- Our environment is cleaner today than it was 45 years ago – our system has worked because all Americans share the concept of stewardship

***Bridge:*** *Much work remains, but it is in performing that work we must ensure we regain focus on our statutory mission.*

### **Process Matters**

Must give states and local officials greater support and flexibility to develop cost-effective solutions

- Market-based approaches to protect water resources and repair broken water infrastructure
- Will produce better and cheaper outcomes and accelerate restoration

### **Reliability Matters**

Trump: *“Water may be the most important issue we face as a nation for the next generation.”*

- It not only empowers economy – it is a key thread that binds us together
- Rich or poor, urban or rural.
- Provides 50% of the nation’s total renewable energy, sustains agricultural productivity
- Reliable water infrastructure
  - Powers America
  - Employs America
  - Drives American economic growth

**Partnership Matters** - *“Friendship is the heart of partnership” - Aristotle*

- WOTUS – no longer “one-size fits all” approach
- Will work closely with states, tribes, federal and local communities to develop long-term approaches to funding and improving

***Bridge:*** *Unleash American ingenuity, resources and expertise to restore confidence in water infrastructure.*

**Closing:** Look forward to listening to you and working together to create a new era of public-private collaboration to protect and effectively manage a critical resource – our water.

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**Interview: Kevin Williamson, National Review**  
**Friday, 3/17 – 9:45am**

**Information:** *This is set up as an interview segment on-stage. Below are topics and talking points for various issues that may be discussed:*

*The notecard provided includes your core talking points that you will be able to incorporate while answering the questions.*

***EPA Originalism/State Involvement***

- I am committed to leading the EPA in a more effective, more focused, less costly way as we partner with states to fulfill the agency's core mission.
- Washington shouldn't get in the way of the 50 states across our nation who care about air, land and water—big government approaches don't mean real solutions.

***Budget***

***President's Budget Blueprint***

- \* The blueprint's overarching goal is about prioritizing border security, veterans' health care, and school choice, and easing regulatory burdens.
- \* The blueprint helps refocus the Agency on being more effective, more focused, and less costly.
- \* The blueprint reflects the President's priorities of preserving clean air and water as well as to ease the burden of costly regulations to industry.

***Positive Funding***

- \* With the exception of 2016, State Revolving Funds (SRFs) have taken cuts in the President's Budget as high as 23% since 2012. This budget does not reduce funding for the SRFs, and provides robust funding for the Water Infrastructure Finance and Innovation Act (WIFIA) program to finance critical drinking and wastewater infrastructure.

- \* Reductions were both targeted and strategic – freeing up resources from voluntary programs to re-prioritize funding for programs tethered to statutes.

### ***Regulatory Burden***

- \* EPA's enforcement will focus on programs that are not delegated to states.

- \* This is about empowering the states to be primary implementers of environmental programs on the ground, rather than insist that EPA micromanage them.

- \* Administrator Pruitt is committed to leading the EPA in a more effective, more focused, less costly way as we partner with states to fulfill the agency's core mission.

- \* Washington shouldn't get in the way of the 50 states across our nation who care about air, land and water—big government approaches don't mean real solutions.

### ***Next Steps***

- \* Development of our congressional justification within these topline numbers begins now, and will be released to Congress and the public in mid-May.

- \* Work with state, tribal and Federal partners to take a more comprehensive look at our priorities and the best ways to accomplish our core work – keeping our air and water clean.

- \*Redesign the way we do business to focus on achieving our core responsibilities - working with the states to ensure clean and breathable air, protecting water quality and investing in infrastructure, restoring our communities, ensuring timely review of chemicals and products to ensure safety for American families, all of which will have a positive impact on the environment and the economy.

## *CAFE Standards*

- Traveled to Michigan yesterday with President Trump and Secretary Chao to announce we are setting aside the Final Determination for Model Year 2022-2025 vehicle GHG standards that the previous EPA rushed through just days before President Trump took office.
- The auto industry says they were caught by surprise. By making a political determination, rather than a data driven one, the previous EPA administration truncated the review process, omitted updated analyses, failed to coordinate with DOT and bypassed OIRA review.
- The previous EPA walked away from their commitments by issuing the Proposed Determination without coordinating with NHTSA and that caught the auto industry, Congress and the public by surprise. We need to return to regularity and process.

## *CO2/Climate Change*

- I've been very clear and consistent on my beliefs: the climate is changing, humans have some level of effect on climate change, but there remains much debate on causes and effects.
- The CO2 discussion is a religious observance to a few. It's time that we restore common sense and sanity to global warming/climate change.
- We must make America first – not just in trade, but in making sure we are not taken advantage of by countries who want to use the issue to kill our jobs why they do little to nothing.
- The far left has turned this issue into a religion.

**CEC Council Session Official Opening**  
**Tuesday, June 26**  
**Oklahoma City Convention Center**

**Length:** 5 min

**Introduction:** Cesar Rafael Chavez, CEC  
Executive Director

**NOTE:** After all the other officials speak, you will speak briefly again and thank all the participants and invite the audience to the opening reception at Chickasaw Ballpark.

**Welcome:**

**Deliberative Process / Ex. 5**

**Stewardship:**

**Deliberative Process / Ex. 5**

**Partnership:**

**Deliberative Process / Ex. 5**

## **Deliberative Process / Ex. 5**

### **Innovation**

## **Deliberative Process / Ex. 5**

**Close:** **Deliberative Process / Ex. 5**

## **Deliberative Process / Ex. 5**

**Hoover Institution Roundtable**  
**Wednesday, 3/28 @ 9:30-11am**

**Moderator:** Terry Anderson, Senior Fellow at Hoover, author of *Free Market Environmentalism*

**Audience:** Approx. 25 Hoover Fellows, including former Sec. of State George Schultz

**Run of Show:**

*9:30am - Terry Anderson welcomes Administrator Pruitt and each Hoover Fellow introduces themselves and their area of expertise*

***9:45pm – YOU give brief opening remarks***

*9:50am - Terry Anderson sets ground rules and opens discussion (OFF THE RECORD)*

*10:55am - Terry Anderson closes program*

*11:00am - Roundtable finished*

**Suggested opening line/joke:**

Wow, this is a very smart and distinguished group of people. Not since Milton Friedman dined alone has there been so much intelligence in one room.

**Top-Line Issues for Discussion**

**Free Market Environmentalism**

- Many past EPA regulations discouraged the private sector from improving the environment. We're changing that.
  - "Once in always in"
  - New Source Review
- **True Environmentalism:** prohibition by the state or stewardship by individuals?
- Greatest asset of American farmers and ranchers is their land. They will protect and grow it. The same isn't true in China.

**Cooperative Federalism:**

- In my first year, I traveled to 30 states and U.S. territories and met with 34 bipartisan governors and over 350 stakeholder groups.
- States and industry are partners, not opponents.
- **EXAMPLE:** President Obama's EPA imposed more than **50 FIPs** – the equivalent of a top-down mandate – on states. Under my leadership, EPA has turned an average of **one FIP into a SIP every month**. Since March 2017, EPA has worked with states to approve more than **200 SIPs**.
- **EXAMPLE:** Working with states to accelerate **Superfund remediation**

### **Deregulation:**

- Regulations are supposed to make things *regular*.
- We're not "deregulating" in the sense of removing regulations, but providing regulatory certainty and clarity.
- In year one, EPA finalized **22 deregulatory actions**, saving Americans more than **\$1 billion** in regulatory costs.
- **Major:** repealing **CPP & WOTUS**.
- **Local:** Not finalizing duplicative and unnecessary **hardrock mining** regulations under CERCLA.

### **WOTUS:**

- Utah – drainage ditch was a WOTUS – I said, "not anymore."
- On Jan 31, we finalized "Step Zero," which pushes back the applicability date 2 years.
- We intend to finalize a new WOTUS definition by the end of 2018.
- The replacement definition will be done carefully, properly – inspired by Justice Scalia – so that it is durable and stands the test of time.

### **Climate Change:**

- Man's activity contributes. But how much? We have not been able to measure that to precision.
- Do we know what the ideal surface temperature of the Earth will be in 2100?
- These are important questions, underscoring the need for an open, honest debate.
- Does EPA actually have authority to regulate CO2 and greenhouse gases under the Clean Air Act? That's the crucial question.
- So this administration is currently taking a thoughtful approach, and asking: What authority did Congress give us to address this issue?
- It's also important to note that we're at pre-1994 levels with our CO2 footprint largely because of innovation and technology from the private sector – not government mandate.
- We should be exporting our innovative technologies to other countries around the world, not waging regulatory war against it.

**Oklahoma Youth Expo**  
**Oklahoma State Fair Park**  
**Thursday, March 15 at 6pm**

**Length:** 15 minutes

**Introduction:** Bob Funk, Chairman and CEO of the Oklahoma Youth Expo.

**Audience:** Approximately 3,000.

**Press:** Open

**Agenda:**

*5:30 pm - Scholarship Presentations*

*6:00 pm - **YOU SPEAK***

*6:30 pm - Selection and Presentation of Grand Champion Animals*

**Open:** Thank you, Bob, for the introduction. The goal of the President and this administration is to get Americans back to work. You've dedicated your life to that. Thank you.

It's great to be back in Oklahoma. Whenever I'm home, people ask me what Washington is like. It's sort of like working on a farm. There's a lot of pork to cut and waste to clean up.

*I want to speak to you today about two topics:*

- 1) the importance of American agriculture*
- 2) environmental stewardship*

**American Agriculture**

- Washington D.C., Wall Street, Hollywood, and Silicon Valley may get the headlines but agriculture is the foundation of our society. Daniel Webster said: *"When tillage begins, other arts follow."*
- American agriculture is one of the great success stories of our time.
- No other country our size can feed its people in the manner we do. Our system of agriculture is the envy of the world.
- In the 1940s, a single American farmer could feed about **20 people for a year**. Today, one U.S. farm feeds **165 people annually**.
- We've made tremendous strides, but the previous administration set us back.
- Its relationship with farmers was adversarial, not cooperative.



## **Regulatory Relief**

This Administration is changing that. We're taking steps to level the playing field:

- **WOTUS**

- Have you all heard of WOTUS? It sounds innocent, but it isn't.
- It would have given the federal government jurisdiction over farms across the country.
- We're in the process of repealing and replacing WOTUS.

## **EPA Civics Lesson**

- Our job at EPA is to enforce the laws Congress passes, not create our own.
- We're restoring the rule of law and giving farmers their land and businesses back.
- Ronald Reagan used to say: *"Most people would be glad to mind their own business if the government would give it back."*
- We're giving it back. We're providing America's farmers with the regulatory certainty they deserve.

*Transition: It's no coincidence that our farms not only produce great food, but they also produce great leaders. Thomas Jefferson, George Washington, Abraham Lincoln, and many other American heroes were all farmers.*

## **Environmental Stewardship**

- Farming and raising livestock teach many valuable life skills: hard work, perseverance, and, perhaps most important, **stewardship**.
- Your greatest asset is your land and livestock.
- You know that if you leave your land exhausted and neglected, you won't be able to grow crops or raise cattle.
- The Left believes that **prohibition** – “do not touch”- is true environmentalism.
- I believe that **stewardship** is true environmentalism.
- Farmers and ranchers are the **true environmentalists**.

**Close:** You – sons and daughters of the soil – represent the best of your generation. Be the difference in this world – what you do each day will power and feed the world for centuries to come.

# **Anaconda Mine Deferral Agreement Signing Ceremony**

**Monday, 2/5 @ 1:30**

**Anaconda Copper Mine, Lyon County, NV**

**Exact Speaking Time:** 2:45pm

**Length:** 10 min

**Introduction:** Nevada Gov. Brian Sandoval

**Audience:** Approximately 40 attendees, including those from Atlantic Richfield Company (ARC), BLM, EPA, Nevada Mining Association, local elected officials, tribal leaders, state of Nevada staff, and others.

**Media:** Open to press.

## **AGENDA:**

*1:30pm- Arrive at Anaconda Mine Site*

*1:45pm - Depart for brief tour/overview of the site (2 stops)*

*2:15pm - Arrive back near main gate for Signing Ceremony of Deferral Agreement*

*2:20pm - Welcome by Jeff Page; introduce Bob Genovese*

*2:25pm - Comments by Bob Genovese; introduce Gov. Sandoval*

*2:35pm - Comments by Gov. Sandoval; then he introduces YOU*

*2:45pm – YOU speak*

*2:55pm - Governor and YOU sign Deferral Agreement*

*3:00pm - Photos and Interviews*

*3:15pm – YOU depart for Reno Tahoe International Airport*

**Open:** This Deferral Agreement is a perfect example of cooperative federalism at work.

**Cooperative Federalism:** *“The states can best govern our home concerns and the general government our foreign ones.” – Thomas Jefferson*

- A one-size-fits-all model doesn’t work for environmental regulation. States have an enormous role to play.
- Previous administration treated states as vessels of federal will. No longer.
- We are giving states and local officials greater support and flexibility to develop cost-effective solutions.
- We are providing leadership and responsiveness to solve a problem that has persisted for too long.

**Cooperative federalism means a hands-on partnership, not inattention.**

- In signing the Deferral Agreement, EPA has determined that Nevada meets the regulatory requirements for deferral.
- Under deferral, the state is required to achieve the **same level of environmental protection** as EPA would under Federal lead.
- EPA will remain actively involved throughout the process.
- EPA will remain engaged with respect to the portion of the site on Tribal land (Wabuska Drain).

**Partnership Matters** - *“Friendship is the heart of partnership” - Aristotle*

- EPA values its working relationship with the Yerington Paiute Tribe and the Walker River Paiute Tribe. EPA expects that the state will provide the Tribes with **the same level of involvement** as under EPA lead.

*Bridge:* I am an EPA “originalist.” We should allow states and local officials to develop cost-effective solutions. It will produce better and cheaper outcomes and accelerate results.

**Close:** Federalism matters. Partnership matters. We cannot properly protect this blessed land without it.

**Coeur's Rochester Mine Tour / CERCLA  
Hardrock Event**

**Monday, 2/5 @ 9am**

**Exact Speaking Time:** 10:30am

**Length:** 10 min; followed by Q&A

**Introduction:** Nevada Gov. Brian Sandoval

**Audience:** 200 miners; EPA, State of Nevada and BLM staff; local officials and staff; high-level staff of Coeur; Dana Bennett, the president of Nevada Mining Association.

**Media:** Open to press.

**AGENDA:**

*7:00am - Depart Reno to Coeur Rochester Mine near Lovelock, NV (About 120 miles; 2 hrs.)*

*9:00am - Arrival at Coeur Rochester Mine*

*9:05am - Welcome, introductions and safety briefing (Rob Stepper and Dana Sue Kimbal)*

*9:25am - Depart for mine tour*

*10:10am - Arrive back at operations shop/garage for CERCLA 108(b) event with mine employees*

*10:15am - Comments by Jay Gear of Coeur; he introduces Gov. Sandoval*

*10:20am – Gov. Sandoval speaks and then introduces YOU*

*10:30am - YOU speak*

*10:40am - Q&A, photos, talk to mine employees*

*11:00am – YOU depart*

**Open:** Pres. Trump promised to be a champion for miners. We have delivered on that promise.

**CERCLA Hardrock:** EPA's Dec. 1, 2017 decision NOT to issue a federal financial assurance rule on the hardrock sector reiterates our commitment to miners and mining jobs, especially in rural America.

- This proposed rule would have impacted the 200 miners here today— not to mention the thousands of other hardrock miners across the country.
- The proposed rule would have applied to 221 facilities, with Nevada having the most regulated facilities: 45.
- It would have been burdensome and duplicative as many states - like Nevada - already have effective state financial assurance regulatory programs.

**Cooperative Federalism:** *"The States can best govern our home concerns" – Thomas Jefferson*

- Gov. Sandoval has been a strong advocate on this issue – writing me and visiting me in D.C. - and I listened.
- This is a perfect example of restoring cooperative federalism among the states.
- States and industry are partners, not opponents.

### **Regulatory Relief**

- The previous administration weaponized the agency against certain sectors of the economy, like mining.
- We will not pick winners and losers.
- The CERCLA hardrock decision is part of our larger agenda to cut duplicative and burdensome regulations and restore regulatory certainty.
  - We've withdrawn from Paris Accord and are working to rescind CPP and WOTUS.
  - EPA has issued more deregulatory actions than any other federal agency in the first year of the Trump presidency.

*Bridge:* We're leading a new era of cooperative federalism and regulatory relief.

**Close:** A one-size-fits-all model doesn't work for environmental regulation. States have an enormous role to play. They will no longer be vessels of federal will.